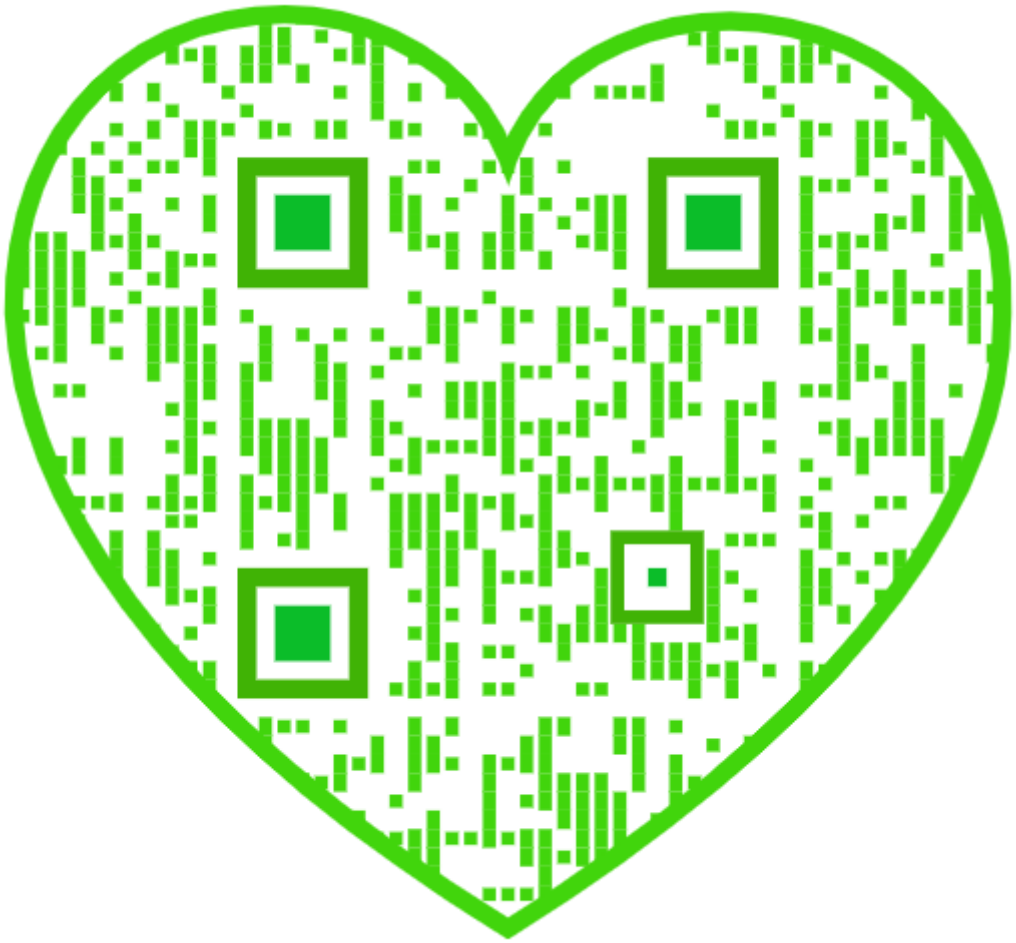

GOVERNMENT BY THE PEOPLE

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GOVERNMENT BY THE PEOPLE

THE LAWS AND CUSTOMS REGULATING THE ELECTION SYSTEM AND THE FORMATION AND CONTROL OF POLITICAL PARTIES IN THE UNITED STATES

BY

ROBERT H. FULLER

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PREFACE

In the following pages an attempt has been made to describe how government by the people is carried on in the United States so far as each voter is entitled to participate personally in it. The will of the majority finds expression through channels of custom which only in part are defined by law.

How political parties are constituted and how elections are conducted has been set forth, together with some account of the various devices which are employed to hinder or distort the recording of the mandates of the sovereign power.

The aim of the book is to give facts for the practical information of the voter, without argument either for or against any theory or proposal of reform. The history of elections and of election laws has been drawn upon only so far as it seemed necessary to make clear why certain features of the election system exist and how they operate. The election laws of the several States, while alike in their general provisions, differ in detail. The principles which underlie all the State laws have been outlined, and by way of illustration the provisions of the laws of New York State have been fully described.

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GOVERNMENT BY THE PEOPLE

the laws, others to interpret them and to punish disobedience to them, and others to execute them. These are the legislative, judicial, and executive branches of the government. All representatives of the people, or office-holders, are subject to the fundamental law as laid down in the State Constitutions, adopted by the direct vote of the people and unchangeable excepting by direct vote, and in the Federal Constitution, which can be changed only by consent of the Legislatures of two-thirds of the States, or after proposed changes have been approved by a two-thirds vote of both houses of Congress. Every public official has certain specified powers and duties, the limits of which he cannot overstep. The delegation of authority is confined to fixed periods and it is subdivided in such a manner that no one official can wield complete power.

4. **Elections.** — The voters express their will regarding principles of government and their application by means of elections. In the same manner they choose their representatives to conduct the details of the government in accordance with the principles which they desire to prevail. Practically all the States prescribe that elections shall be by ballot.

5. **Professional Politicians.** — As a result of the system of delegating authority to public officials to conduct the details of government, there sprang up a

class of men who made it their business to seek this authority. In ordinary phrase, these men are known as "professional politicians" or "office-seekers." They are actuated mainly by a desire to make a living in the public service or perhaps to acquire wealth by the exercise of the power which has been intrusted to them or which they usurp, and for this reason the title of "politician" has become more or less a term of reproach. Their field of activity is as much a profession as the practice of medicine or the law, and it usually requires an equal amount of training and special knowledge.

6. **The Political Machine.**—The "political Machine" must be distinguished from the political party. The theoretical purpose of the Machine is to organize the adherents of a party so that their full strength may be exerted in behalf of the principles which they maintain. Its actual purpose in many cases is to obtain and control for the profit of its members the offices which carry with them the powers delegated by the voters. If it can get possession of these powers in no other way, it often tries to steal them by falsifying the will of the voters as expressed in the elections, and to this end it does not hesitate to resort to fraud, bribery, and intimidation. The main purpose of the election laws, aside from providing a method of voting, is to prevent this falsification.

7. **Evils of the Election System.** — Under the election system as it existed during almost the whole of the last century, there was comparatively little legal regulation of the method by which the voters expressed their will at the polls.

There was no secrecy in voting. Ballots were prepared by the various parties at their own expense and each party had a separate ballot which might be printed on any kind of paper, so that even when folded its outward appearance clearly indicated its contents.

The dominant party appointed a majority of the election officials and thus controlled the casting and counting of the ballots.

There was no means of identifying the voters, and the registry lists were filled with fictitious names.

Party "workers" were permitted to accompany voters to the polls and to prepare their ballots for them.

The ballots were distributed by unofficial Machine agents in and around the polling places.

The party "workers," plentifully supplied with money, stationed themselves in the saloons, which were everywhere permitted to remain open, and bought votes either with liquor or with cash without pretence of concealment.

The "heeler" marched the purchased voter to the polls, watched him deposit his ballot, and saw that he

received the price agreed upon, — usually two or three dollars.

Organized gangs of "repeaters" were led from one polling place to another to vote upon fictitious names, the names of dead men, and even upon the names of actual voters who had not yet cast their ballots.

"Tissue ballots," printed upon thin paper, were folded together and placed in the box as one ballot. This was known as "stuffing."

Party adherents often formed in line at the polling place on pretence of waiting to vote and held their positions until the polls had closed so as to prevent the opposition from voting at all.

The police, controlled by the dominant party, became its accomplice instead of enforcing the law. The policemen stationed at the polls permitted voters to be beaten and driven away and murder was not infrequent. Gangs of roughs were regularly employed for this branch of the work.

After the polls had closed, the supporters of the dominant party took possession of them, excluding everybody else, and made the count what they pleased, destroying ballots and forging false returns.

As soon as the ballots had been "counted," they were used to feed the bonfires of the victors, thus removing the evidence which might have betrayed the fraud.

By the employment of such criminal practices the result of the election as officially announced was often perverted to the extent of many thousands of votes. In addition, the party name and organization were usurped and held by the "boss," who was thus enabled to perpetuate his own power.

Caucuses to elect party officials and to choose delegates to party conventions were held in secret places without notice to the party voters. These secret caucuses elected only the adherents of the "boss" to the places of party power and honor and chose delegates who would be obedient to him. If, by any chance, delegates opposed to the "boss" were chosen to attend a party convention, a nod from him was sufficient to cause them to be unseated and ejected.

8. **Measures to prevent Fraud.** — Each of the main features of the election laws which have now been adopted in nearly all the States is intended to prevent one or more of the fraudulent methods for thwarting the will of the voters that were practised under the old system of voting. The complexity of these laws is due to the difficulty of precluding fraud without depriving any person of the right to vote who is entitled to do so. They are the result of a revolt against trickery that began about twenty years ago. Changes in the laws are constantly being made in the various States,

and experiments tried in one State with good results are gradually adopted by others. These reforms have usually encountered the strenuous opposition of the Machines.

9. The Party and the Machine. — In studying the election system it is important always to keep in mind the fact that the political Machine is distinct from and subordinate to the party. Parties govern the country and Machines seek to administer the government. The Machine is necessary in so far as it organizes the party and maintains discipline in the ranks. The Machine in one sense is a parasite upon the party, since it thrives upon the party strength; but when the Machine obtains complete possession of the party, it quickly saps the party vitality and the Machine then starves to death. Therefore, if the party vigor is to be maintained, the Machine must remain in subjection. That portion of the election laws which deals with party organization makes it possible for the voters of a party to curb and regulate their party Machine and to compel it to perform its proper function. The chief strength of the "bosses" and the Machines lies in the willingness of partisans to condone wrong in the hope that good may follow. The voter who believes that the enforcement of certain principles is essential to the welfare of the Nation is prone to pardon deception, trickery, and

even theft in elections if the result is the victory of the political convictions which he upholds. This disposition tends to foster and encourage moral laxity in politics and to nullify the laws. (§ 2.)

10. **Plurality and Majority.** — The will of the people is expressed by the greatest number of voters who agree. Their number need not be a majority of all the voters taking part in the election. Thus, if a Governor is to be chosen and of three candidates, one receives 40,000 votes and each of the others 30,000, the candidate receiving 40,000 votes is declared elected although 60,000 voters have expressed their preference for other candidates. He is said to have received a "plurality" of 10,000 votes over the next highest candidate. To obtain a "majority," he must receive more than half of all the votes cast in the election.

11. **Indirect Elections.** — Elective offices are not always filled by the direct vote of the voters. The highest offices in the national government, those of the President, the Vice-President, and United States Senators, are filled by small bodies of men to whom the voters have delegated their power to choose.

12. **Election and Appointment.** — Comparatively few of the public offices are filled by election. Nearly every public official is empowered to appoint assistants to aid him in the performance of the duties of his office,

or to carry on branches of the government independently of him. The number of these assistants, their compensation, and the nature of their work are usually specified by law and the method of their appointment is regulated in the same manner. They constitute the great body of men and women engaged in the public or "civil" service.

CHAPTER II

QUALIFICATIONS FOR VOTING

13. **The Right to Vote not Inherent.** — The right to vote and to hold office under the American system of government are privileges conferred by the people and not inherent rights, such as the rights of freedom of speech and of worship.

14. **Property and Religious Restrictions.** — When the Federal Constitution was adopted, a property or religious qualification of voters was almost universal. Nine of the thirteen original States imposed religious restrictions. It has been estimated that in 1800 there were 150,000 qualified voters in the United States in a total population of 5,000,000, or 1 in 33 of the inhabitants. The final abolition of the religious qualification, which marked the definite separation of Church and State, took place when Massachusetts abandoned the restriction in 1833.

15. **The Fifteenth Amendment.** — The regulation of the voting privilege was left by the Federal Constitu-

tion entirely to the States. Their liberty of action was not curtailed until the Fifteenth Amendment was adopted in 1870, after slavery had been abolished. That amendment forbids any abridgment of the right to vote on account of race, color, or previous condition of servitude. This is the only general limitation regarding voting imposed by the Nation upon the authority of the States.

16. **Restrictions by States.** — Although the United States contains a population of 80,000,000, its public officials are elected and its policies shaped by less than 14,000,000 voters; the highest number of votes cast in any Presidential election — that of 1896 — being below that total. This indicates to how great an extent the right to vote is restricted by State laws. (§ 1.)

17. **General Qualifications of Voters.** — Generally speaking, all free white or black citizens twenty-one years old may vote. The Chinese are expressly excluded from citizenship by acts of Congress. Aliens are not permitted to vote until they have made formal application before a court for admission to citizenship and have taken the specified oaths. In many States they are not allowed to participate in the elections until they have become actual citizens.

18. **Natural Citizens.** — Children of parents who were citizens when the children were born are citi-

zens, regardless of whether the children were born in this country or abroad. They are known as "natural-born" citizens. They alone are eligible for the Presidency.

19. **Naturalization.** — Subjects of other countries may become citizens of the United States by naturalization. Unless they are soldiers or sailors in the service of the United States, a residence of five years in this country is required. The applicant for citizenship must declare his intention before a United States District or Circuit Court, or in the Territories before a District or Supreme Court, or in the States before a State court of record having a seal and a clerk and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. He must make oath before the court in whose jurisdiction he resides that he is at least eighteen years old and that it is his intention to become a citizen of the United States and to renounce forever all allegiance to any foreign power or potentate, naming especially the foreign power or potentate to which or of whom he is a subject. In this declaration he must set forth his name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of his arrival in this country, the name of the vessel if any in which he came, and his place of residence here. This applica-

tion is duly recorded and the applicant receives a certificate. He is then said to have taken out his "first papers," or to have made his "declaration."

20. **Final Admission.** — At the end of two years and not more than seven years after his declaration of intention, the applicant may apply for full citizenship, provided he has then lived for five years in this country and can write his own language and can read and speak English. Before one of the courts specified as competent to receive his declaration of intention, he must file in duplicate a petition, signed in his own handwriting and verified. In this petition he must give his full name, his place of residence, his occupation, if possible the date and place of his birth, the place from which he emigrated, the date and place of his arrival, the name of the ship which brought him, the date, location, and name of the court in which he made his "declaration"; if married, the name and place of birth of his wife, and her place of residence, and the name, residence, and date and place of birth of each of his children. He must swear that he believes in organized government and that he does not belong to any organization or body of persons opposing it, and that he is not a polygamist. He must make oath to support the Constitution and laws of the United States, and he must solemnly abjure all allegiance to every

foreign power, naming the power to which he was formerly subject and making oath that it is his intention to reside permanently here. He must also lay aside all titles of nobility.

His petition must be verified by the affidavits of two citizens of the United States, who must swear that they personally have known the applicant to have been a resident of the United States for at least five years and of the State, Territory, or District in which the application is made for at least one year, and that they know him to be of good moral character, attached to the principles of the Constitution, and fit in their opinion to be a citizen of the United States. To the petition must be attached a certificate from the United States Department of Commerce and Labor stating the time and place of the applicant's arrival in this country and a duplicate of his declaration of intention to become a citizen. As soon as the petition has been filed, the clerk of the court is required to post it in a public place with the names of the witnesses on behalf of the applicant. Final action cannot be taken upon a petition until ninety days after it has been filed. In no case can naturalization be granted within thirty days before any general election in the territorial jurisdiction of the court. Upon admitting an alien to citizenship the court may permit him to change his name. Aliens who, although physi-

cally able, cannot speak the English language, are excluded from citizenship unless they have made homestead entries on the public lands and have complied with the law governing such entries. All final hearings on naturalization must be held in open court before a judge of the court, and all final orders must be entered in full upon the records of the court. A duplicate of all certificates of naturalization and a certified copy of all petitions refused must be forwarded by the clerk of the court to the Bureau of Immigration and Naturalization of the United States Department of Commerce and Labor. The clerk of the court may collect a fee of one dollar for receiving and filing a declaration of intention and issuing a duplicate; he may charge a fee of two dollars for receiving a petition for final admission and for the final hearing thereon; and a fee of two dollars for entering the final order and issuing the final certificate. Thus an alien is required to pay fees amounting to five dollars before he can become a citizen.

When a certificate of naturalization appears to have been fraudulently granted or held, the United States District Attorney having jurisdiction must begin a suit for its cancellation. The removal of a naturalized citizen to a foreign country and his residence there for five years must be deemed *prima facie*

evidence of his lack of intention to become a permanent citizen, and it constitutes ground for the cancellation of his naturalization certificate. The law makes careful provision for the keeping of records of all naturalization proceedings.

21. **Special Cases.** — Any alien twenty-one years old who has enlisted in the United States army and has received an honorable discharge may be admitted to citizenship after a residence in this country of one year. If he has served for five years in the United States navy or in the Marine Corps and has been honorably discharged, he may become a citizen without previous declaration of his intention. Sailors who have declared their intention to become citizens and who have subsequently served three years in a United States merchant vessel may be admitted.

22. **Women and Minors.** — A wife may become a citizen when her husband is naturalized unless there is a legal bar to her admission. Children under twenty-one years of age residing in this country become citizens when their parents are naturalized. Aliens who have lived for three years in the United States before reaching the age of twenty-one, and who have resided in this country continuously for five years including the three years of their minority, may be admitted to citizenship upon making oath

that for two years before their application for admission it had been their intention to become citizens. This enables them to obtain admission without taking out "first papers." All naturalization is under the general supervision of the Bureau of Immigration and Naturalization of the United States Department of Commerce and Labor.

23. **Inhabitants of Colonies.** — Inhabitants of territory annexed to the United States may be admitted to citizenship by act of Congress. The inhabitants of Hawaii have been thus admitted, while those of Porto Rico and the Philippines have not.

24. **Punishment for Fraud.** — Forgery or counterfeiting of a certificate of naturalization is punishable by imprisonment for not more than ten years, or a fine of not more than $10,000, or both. The fraudulent issuance of a certificate is punishable by imprisonment for not more than five years, or a fine of not more than $5000. Possession of a blank certificate with intent to use it unlawfully is punishable by imprisonment for not more than five years or a fine of not more than $1000. The false certification of any papers lawfully required to be executed in connection with naturalization is punishable by imprisonment for not more than five years or a fine of not more than $5000. Any person who procures or who aids or

advises in procuring a fraudulent naturalization or who swears falsely to any material fact is punishable by imprisonment for not more than five years or a fine of $5000, or both, and the certificate is declared void. All prosecutions must be begun within five years of the granting of the certificate to which they relate. (§§ 245–246.)

25. **Aliens in the Population.** — How great a proportion of the population is composed of aliens is indicated by the fact that the enumeration of the inhabitants of New York State, taken in 1905, disclosed 7,062,988 citizens and 1,004,320 aliens, most of whom were found in New York City.

26. **Aliens as Voters.** — In many of the States, especially in the West, the right to vote is conferred upon aliens who have declared their intention to become citizens and have taken out their "first papers." In the remaining States the ballot is restricted to actual citizenship. (§ 50.)

27. **Early Sentiment on the Right to Vote.** — An early indication of sentiment regarding the persons who might be allowed to participate in the elections was given when the bill admitting the Louisiana Territory to the Union was enacted in 1811. As passed by the House of Representatives the bill admitting the Territory provided for the election of a convention to frame a State Con-

stitution, the delegates to be chosen by the free, male taxpaying citizens of the Territory. The Senate added an amendment confining the vote to white men, but the House refused to agree to this and the Senate finally gave way.

28. **Extension of the Voting Privilege.** — In the beginning the Federalist tendencies of the North inclined that portion of the country to the restriction of the voting privilege, while the Democratic doctrines of the South favored its extension. This condition was reversed to a large extent by the abolition of slavery. The restrictions of the North have been diminished, while the South has adopted many new limitations to exclude its former slaves from the suffrage and to prevent them from controlling its elections.

29. **Voters must be Residents.** — Every State requires a fixed residence within its limits for a certain specified time before it permits an inhabitant to vote. This regulation is designed to restrict the ballot to voters who have an actual interest in the result of the election and to prevent the voters of one State or political division from moving into another State or political division in such numbers as to control its affairs. Such invasions are known as "colonization."

30. **Few Restrictions in the West.** — In the comparatively new States of the West which came into exist-

ence when the theory of universal suffrage had been more generally accepted than it was in the beginnings of the Republic, there are fewer restrictions upon the ballot than in the East and South. The period of residence required is shorter, aliens are more generally allowed to vote, and in four States — Utah, Colorado, Wyoming, and Idaho — women are permitted to vote on equal terms with men in all elections.

31. **Disfranchisement for Crime and Disability.** — Nearly all the States exclude specifically from the voting privilege persons of unsound mind and persons who have been convicted of a felony. The disability for such a conviction continues after the culprit has served his prison sentence and as long as he lives unless it is legally removed by executive or legislative action. Many States specify election fraud, the betrayal of a public financial trust, and betting on the result of the elections as causes for the forfeiture of the right to vote.

32. **Women and the Ballot.** — In a large number of the States women are permitted to vote in school elections on equal terms with men, on the theory that their participation in school elections will tend to take the schools out of politics. In a few of the States women who pay taxes may vote on questions involving the raising of money for local public uses.

33. **Variation in State Laws.** — In no two States of the Union are the laws regarding the qualifications of voters exactly alike. A brief statement of State regulation of the voting privilege will be found in an appendix. (Appendix I.)

CHAPTER III

IDENTIFICATION OF VOTERS

34. **Prevention of Repeating.** — Nearly all the States seek to provide for the identification of voters by compelling the registration of their names in communities where the residents are not personally known to one another. This identification is intended to prevent the same person from voting more than once in an election, or "repeating," and to insure an opportunity for an examination to ascertain whether a voter really possesses the qualifications required to entitle him to vote.

35. **Registration.** — Some of the States compel the voter to register his name in person before each election; others permit the registration lists to be copied from one election to another, only new voters being compelled to register in person. The theory which forms the basis of most election laws is that in the country the voters are so well acquainted with one another that there is no need for identification or inquiry when one of them presents himself at the polls, while in cities and large towns there must be identification

and inquiry in order to prevent fraud. When a voter possesses the general qualifications for voting which are prescribed by the State in which he lives, such as citizenship and length of residence, he must see that his name is placed on the "registration list," which is supposed to contain the names of all persons who are entitled to participate in the election. If he lives in a community where annual personal registration is required, his vote will be rejected on election day unless he appears in person before the election officials on one of the registration days, demonstrates his right to vote, and has his name entered on the list. Elsewhere he may have his name included in the list by requesting one of the election officials to place it there, or he may register in person.

36. Completion of the Lists. — The registration lists must be completed before the election in time to permit the officials or any citizen to make inquiry concerning any voter who has registered so that in case it is found that a person has registered who is not legally qualified to vote, he may be prevented from casting his ballot. The requirements of the personal registration laws usually compel a more or less detailed description of the voter which is intended to render it impossible for any other person successfully to impersonate him.

37. Voting Districts and Precincts. — For convenience in registration and voting, the civil divisions of each State are divided into "election districts" or "election precincts," containing as nearly as may be an equal number of voters. The laws of New York State, for example, direct that there shall be about 500 voters in each election district. (§§ 42, 90.)

38. Boards of Registration. — In each of these voting districts there is a polling place in which the ballots are cast on election day and which also serves as the place of registry for voters. A board of registration in which both the great national parties are represented is placed in charge of every polling place. It is the duty of this board, which is composed of the inspectors of election, to record the names of voters who present themselves for registration. (§§ 151–154, 157.)

39. Election Day. — In nearly all the States the election day for "general elections," or elections in which all the voters in the State participate, falls on the Tuesday following the first Monday in November. (§§ 144–146.)

40. New York Law Typical. — As all registration laws are alike in their main features, practical understanding of the general system of registration may be obtained from an examination of the New York State

law. While still subject to many objections and criticisms, this law embodies the theory upon which all the registration laws in this country are based.

41. **Notice of Elections.** — Three months before each general election in New York State, the Secretary of State is required to issue a notice of the date of the election, with a list of all officials, excepting city, village, or town officials, who are to be elected. He must send a copy of this notice to each county clerk, who must add to it a list of the city, village, or town officers who are to be voted for and cause it to be published for the information of the voters at least once a week until election day.

42. **Advertisement of Districts.** — Every town, or ward of a city, containing not more than 400 voters constitutes an election district. When the number of voters exceeds 600, the town or ward must be subdivided. Excepting in the cities of New York and Buffalo the basis of voting population for each district is 400, although in regions having a scattered population, the number may be less. In New York City and Buffalo each district must contain as nearly as possible 500 voters. Election districts must lie wholly within town or city limits and must not be divided by the lines of the political subdivisions of cities, such as Aldermanic, Senate, or Assembly Dis-

tricts. Maps of the boundaries of each district must be advertised on registration days, together with a list of the polling places in which the boards of registration are to sit. Through these official advertisements every voter may become familiar with the offices which are to be filled, the election district in which he lives, and the location of the place of registration where he must record his name if he intends to vote.

43. **Election Officers.** — In each election district there must be four election inspectors, two poll clerks, and two ballot clerks. They are appointed by the local authorities upon the nomination of the regular committees of the two great parties, between which they are equally divided. In New York City there are more than 11,000 of these inspectors and clerks. (§§ 151–154, 157.)

44. **Days of Registration.** — Personal registration is required in all the cities of the State and in all villages having 5000 inhabitants. Elsewhere the lists of registry are copied from year to year by the election officials. There are four days of registration wherever personal registration is required; elsewhere two days. In the larger cities the boards of registration sit from seven o'clock in the morning until ten o'clock at night; in the smaller cities and in villages they sit from eight o'clock in the morning until nine o'clock at night.

45. **Appointment of Watchers.** — Every political organization that is entitled to nominate candidates to be voted for in the election may have two authorized representatives who are known as "watchers" at each place of registration while it remains open, and they are entitled to see all that is done there.

46. **How Voters Register.** — Each of the four inspectors of election is provided with a registration book, the pages of which are lettered for the alphabetical entry of the names of voters and ruled off into twenty columns. When a voter desires to register where personal registration is required, he presents himself before the board of registration of the election district in which he lives upon one of the specified days for registration. He is asked by the inspectors to give his name, which is entered in the second and third columns of a page bearing the appropriate letter; the street and street number of his residence are entered in the fourth and fifth columns; the floor or room which he occupies in the sixth; his age in the seventh; the length of his residence in the State, county, and the election district in the eighth, ninth, and tenth; the name of the State or country in which he was born in the eleventh; the date of his naturalization, if he is a naturalized citizen, in the twelfth; the designation of the court which naturalized him in the

thirteenth; the State, city, or town and the address from which he last registered or voted in the fourteenth, fifteenth, sixteenth, and seventeenth; and in the eighteenth, the date of his registration. The nineteenth column is left blank to receive the number of the ballot which he votes on election day and the twentieth is reserved for the entry of any material facts relating to challenges or oaths. In the first column numbers are entered indicating the successive order of the appearance of the voters before the registration board. (§ 171.)

47. **Punishment for Illegal Registration.** — From the details thus entered in the registration books it may be ascertained whether the person registered is actually qualified to vote. A false oath taken before a board of registration is punishable as "wilful and corrupt perjury."

48. **Challenge of Voters.** — Any qualified voter or watcher may question or "challenge" the right of any person to have his name placed on the registration list. When a challenge is made, the chairman of the board of registration must place the person challenged under oath and put to him a series of questions contained in a "challenge affidavit," upon which his answers must be recorded in writing after each question. These inquiries cover every point involving the right

of the applicant to vote, and they compel him to give additional information that may aid in his identification, such as whether he is married or single, where his family lives, what is his occupation, and the location of his place of business. When the answers have been filled in, the applicant must sign the affidavit, making oath that it is true, and the inspector must add to it a personal description of the applicant, including his height, weight, the color of his hair, and any distinguishing marks that may be noticeable.

49. **Registration after Challenge.** — If the board of registration is satisfied after this examination that the applicant is entitled to vote, his name must be entered upon the register; but if he refuses to make the required affidavit or if his answers show that he is not duly qualified to vote, he cannot be registered.

50. **Proof of Naturalization.** — Every naturalized citizen may be required, before his name is registered, to produce his naturalization papers or a certified copy of them. If he is unable to do so, his name may still be registered if he can convince the board of inspectors that he is entitled to vote.

51. **Persons excluded from Registration.** — In New York State, as in most other States, no person who is concerned directly or indirectly in giving or receiving a bribe for registering or refraining from registering,

or voting or refraining from voting, is entitled to register. No person who is directly or indirectly interested in any wager upon the result of the election has any right to register or vote. All persons who have been convicted of a felony are excluded from the privilege of registering or voting unless they have been restored to the rights of citizenship. No person may register or vote unless he has been a resident of the State for one year, of the county for six months, and of the election district for thirty days before election day. (§§ 29, 31, 178.)

CHAPTER IV

THE PRIMARY ELECTION

52. Purpose of the Primary. — The "Primary Election" is a meeting of political partisans to select their candidates for office and to choose the committees by which, at least in theory, their party organization is governed. (§ 111.)

53. Foundation of Party Organization. — The processes of the election are set in motion by the Primary, which is the basis of both representative and party government. The Primary originated in meetings of qualified voters to determine who should be nominated for the offices which were to be filled. These meetings resulted in the union of men who held the same opinions and in their organization to bring about the election of their candidates. Thus was laid the foundation of the party Machine. (§ 102.)

54. The Colonial Caucus. — When the right to choose their own local officials was granted to the American colonists before the Revolution, these officials were usually elected in a general assemblage of the

voters in a town meeting. It became customary for a few of the leading men of the town to hold a "caucus" before the election to decide whom they would support for the offices that were to be filled. Their unity of purpose and activity generally resulted in the election of their ticket in the town meeting.

55. Origin of the Caucus. — There is a dispute regarding the origin of the word "caucus," but it is recorded that Samuel Adams, who was a shipbuilder in Boston, was accustomed to call his workmen together before an election to decide upon candidates. The workmen were known from their occupation as "calkers," from which the word "caucus" is said to have been derived. It was a matter of pride with the colonists to justify their claim to the right of self-government by filling the local offices with men of ability and good standing. "Patriotic Societies" were formed to see that this was done, and the organization known as Tammany Hall started as one of these societies.

56. Opposition to the Caucus. — In the early years of the Republic, before party organization was developed, the caucus was jealously opposed, and it had far less binding power than it has since attained. During the six years from 1795 to 1801 the Republicans held only two caucuses. In each instance the party was

divided and the minority was left free to vote as it pleased. The Federalists held a caucus in 1797 on the question of declaring war against France and decided against the declaration. (§ 101.)

57. Caucus and Primary. — With the development of parties, the caucus became more and more a meeting of party representatives in legislative bodies to determine questions of policy, its decisions acquiring the sacredness of party authority. The word is now generally used to designate such meetings, while the term "Primary" is applied to meetings of voters with party affiliations.

58. Function of the Primary. — It is the function of the Primary to elect delegates to party conventions, which are called to nominate candidates for office and to frame "platforms" embodying the principles of the party. They also choose delegates to party committees which are authorized to act in the name of the party which they represent. Therefore if a voter desires to insure the nomination of worthy candidates for office or to make certain that his party organization is controlled by men who will use it for the advancement of the principles in which he believes instead of for corrupt or selfish purposes, he must take part in the Primaries, for there the character of both candidates and party management is decided. (§§ 300–305.)

59. **The Primary and the "Boss."** — The power of the political "boss" depends upon his ability to control the Primaries and through that control to fill the offices with men of his own choosing who will be subservient to him. By controlling the Primaries, the "boss" takes possession of the party organization, makes his own nominations, dictates who shall be appointed to offices that are to be filled by appointment after his obedient candidates have been elected, and compels legislatures and public officials to do his bidding, trafficking through them, if he is dishonest, in the public property, which he may dispose of as freely as though it were his own.

60. **Primary Laws.** — It was to curb this power, so often flagrantly abused, that laws were passed to regulate the Primaries and to give party voters a fair chance to take the management of their party organizations and the nomination of their candidates into their own hands. Until within recent years there were no laws for the government of Primaries. An unpopular "boss" could call them secretly in inconvenient places known only to his immediate supporters. He might make arbitrary rules excluding all persons who were opposed to him, and thus, by usurping the party name, he was able to exercise its authority unchecked. (§ 7.)

61. Remedial Legislation. — Laws have now been enacted by most of the States extending to the Primaries many of the safeguards that have been thrown around the regular elections. Duly qualified voters are as much entitled to cast their ballots and to have them honestly counted in Primary elections as in regular elections. Necessarily they remain party affairs. Democrats have no right to participate in the Republican Primaries nor Republicans in those held by Democrats. Independent voters can take part in neither. They are compelled to wait until they can exercise their choice on election day between the candidates named by the regular parties, or to nominate candidates of their own by "petition," a method which does not require the holding of Primaries.

62. Primary Contests. — Primary laws, as a rule, are applicable only to the larger centres of population and to political parties which have cast enough votes to make them important factors in the politics of the State. In States where one party is in an overwhelming majority, as the Democratic party is in the States of the "Solid South," a nomination is usually equivalent to an election, and in such States there is sometimes a stubborn contest for the nomination in the Primaries of the dominant party. In other States, where the parties are more evenly divided, Primary

contests are commonly for the control of the party machinery rather than for the nomination of candidates.

63. **Importance of the Primary.** — There is a wide diversity between the Primary laws of the various States. This class of legislation is still in the experimental or formative stage; but every Primary law that is intended to be effective gives the party voters an opportunity to control the party machinery by placing men whom they can trust in the positions of authority and by nominating for office only men of probity and capacity.

64. **Party "Loyalty."** — When the Primaries were first made subject to legal regulation, a revolution in political methods was predicted by the advocates of the new laws. It was expected that the great mass of Democratic and Republican voters would avail themselves of the chance to wrest the Machines from the control of the "bosses." The failure of the voters to do what was expected of them has given rise to much discussion. Their apparent indifference is due to several causes. Many of the voters do not yet understand the direct bearing of the Primaries upon the elections. Party allegiance, or "loyalty," is very strong. From sixty to ninety per cent of the voters are accustomed year after year to vote the "straight

ticket" of the party to which they belong, regardless of the character of the nominees. They regard party victory upon any terms as the chief object to be gained, and they are willing to accept without question the theory that the "boss" is working for the party interest and is therefore entitled to their support. When they revolt, it is commonly not by voting the ticket of the opposition party but by refusing to vote at all. The defeat of parties in power is almost invariably due to the failure of the voters to go to the polls rather than to a transfer of their votes to the opposition.

65. Obstacles to Political Activity. — While ignorance and "party loyalty" are responsible in large measure for the fact that the Primary laws have not accomplished their purpose, another reason is to be found in the sacrifices of time and money involved in every effort to nominate and elect competent men to office against the will of the "boss." Aside from a sense of public duty and civic pride, there is little to incite the average citizen to activity in politics, and the task is rendered still less inviting by the certainty that activity will invite abuse and misrepresentation. It often happens that a man who is sufficiently public-spirited to devote his energy and his resources to the betterment of political conditions without selfish ends

finds himself assailed by the imputation of the basest motives of self-interest, his actions and purposes misrepresented, and his mistakes sharply criticised by the community which he is trying to serve.

66. **Tax-dodgers.** — One of the selfish reasons why many of the leading men who live in cities do not take part in politics is the fact that taxes upon personal property are levied at the legal residence of its owner. As the tax rate in cities is usually higher than in the country, many rich men of high standing and great personal influence abandon their right to participate in city elections by establishing a legal residence outside the city limits, or even outside their State, so as to escape city taxation. It was said recently that only one-third of the members of the Boston Board of Trade, the most influential commercial body in the city, are legal residents of Boston. Many of the wealthiest men in New York City are actual residents of Newport, of New Jersey, or of towns on Long Island or along the Hudson. This tax-dodging not only tends to throw the control of city governments into the hands of men who have little personal interest in good government because they think they have nothing to lose, but it sets an example both in society and in the business world of indifference to elections and to party management.

67. Rewards for Voting. — So widespread is this indifference in New York City that it is recognized in the law of the State by a provision which offers a reward in the shape of probable exemption from jury duty to voters who take the trouble to go to the polls on election day. The statute provides that the lists from which juries are drawn shall be made up so far as possible of the names of residents of the city who failed to vote at the last preceding election, and that voters shall not be called upon to serve excepting in case of necessity. (§ 275.)

68. Independent Organizations. — In spite of deterrent influences, there has been during recent years a marked increase of independence in political thought and action, both in and out of party lines. This is especially true of municipal politics, in which it is now generally admitted that the great national parties have no right to be considered, since the questions involved in city elections are purely questions of the management of municipal corporations chartered by the State. The growth of "citizens' organizations" has been so rapid, and they have drawn so largely from the membership of both the regular parties, that they now control some of the larger cities, and in others where they do not control they have forced the Machines to make concessions to public sentiment which have

raised the standard of qualification for holding office and have increased the honesty and efficiency of local government.

69. **Weapon against the Machine.** — With the realization that the strongest Machine, when corrupt, cannot stand before the weapon placed in the hands of the voters by the Primary laws, has come a more general disposition to make use of that weapon. It is getting to be gradually understood that the shortest road to honest and efficient government lies in the capture of the party machinery and in employing it for good instead of bad purposes.

70. **Difficulties of Primary Legislation.** — Although minor political organizations may avail themselves of the Primary law, in practice its application is usually confined to the Republican and the Democratic parties. One of the most difficult problems involved in the enactment of such laws is how to prescribe fairly the qualifications of voters who shall be permitted to take part in the Primaries. It is often a hardship, either in a business or a social sense, for a voter to be compelled to reveal his party affiliation. At the same time, it is necessary to prevent the adherents of one party from participating in the Primaries of another, and thus influencing its action. If Republicans were permitted

to vote in Democratic Primaries, for example, they would seek to nominate the weakest possible Democratic candidates so that they might more easily elect the candidates of their own party.

71. **Party Lists Essential.** —This necessity for separating the voters of one party from those of the others renders essential a declaration of party affiliation and the listing of party voters who are qualified to take part in Primary elections. Without listing it would be impossible to prevent a voter from participating in all the Primaries held in the district in which he lives. But to compel a voter to reveal how he voted in the last preceding election would destroy the secrecy of the ballot, which is the greatest of the safeguards against election fraud; and to force him to pledge himself to support in the coming election the candidates nominated by the party in whose Primary he participates, would be equivalent to deciding the election in advance, even if it were practically possible. Again, if the party organization is left free to formulate qualifications for Primary voting, the Machine is able to make rules which exclude all persons, excepting its own adherents, and thus one of the principal objects that Primary laws seek to attain would be defeated. Above all, the secrecy of the enrolment must be

maintained pending an election, because to reveal it would betray in advance how each enrolled voter intended to vote.

72. **The New York Primary Law.** — With this glance at the causes that brought Primary laws into existence and at the difficulties which must be met in the process of regulation, a brief statement of the New York State Primary Election Law will serve to illustrate the practical operation of such statutes.

73. **Binding upon Large Cities.** — In the State of New York the mandatory application of the Primary law is confined to cities having a population of at least 50,000, and to political parties whose candidates for Governor at the last preceding general election received at least 10,000 votes. In other words, the law is binding only upon cities of the first and second classes, and at present upon the Republican, Democratic, Socialist, Prohibition, and Independence League parties. In the cities to which the law applies, the smaller parties upon which it is not binding may act under it or not, as they may prefer.

74. **Optional Features.** — The application of the law, however, may be extended to all cities with a population of less than 50,000 and to all villages having a population of at least 5000, by an affirmative vote of a majority of the enrolled voters

of any party within these municipalities. The rural districts of the State are excluded altogether from the operation of the Primary Election Law, being subject to the provisions of another statute known as the Town Enrolment Act. The Primary Election Law, in brief, can be applied only to the political divisions of the State in which annual personal registration is required, and it is mandatory only in cities which have at least 50,000 population.

75. **Expense a Public Charge.** — Primaries are held at the public expense, and in their general features they closely resemble regular elections. Only qualified voters, who have enrolled, are permitted to participate in them.

76. **Listing of Party Voters.** — In cities and villages where the Primary Election Law is in force, boards of registration are supplied with enrolment books, upon which the names of all voters who register for the coming regular election must be entered. These enrolment books are similar to the books of registry, which have already been described (§ 46), excepting that their pages are ruled off into twelve instead of twenty columns.

77. **Registration and Enrolment.** — When a voter presents himself before the board for the purpose of registering for the regular election, and his name and

address have been entered upon the registration books, they must also be entered upon the enrolment books, and the same number is set down before the name in each book. The chairman of the board of registration then gives the voter an envelope upon which this number is printed. The envelope contains an "enrolment blank" and the voter is required to retire inside an enclosed booth to prepare this blank for deposit in a ballot-box which has been provided to receive it.

78. **Declaration of the Voter.** — Upon the enrolment blank are printed the names and "party emblems" of the parties to which the law applies, with a blank circle under each emblem. (§ 131.) The enrolment blank also bears a declaration, to which the voter must subscribe, asserting that he is qualified to vote in the regular election, that he has registered with the intention of voting, that he is "in general sympathy with the principles of the party" beneath the name and emblem of which he has placed his mark, that it is his intention "to support generally" the nominees of this party at the next national or State election, and that he has not enrolled with any other party or participated in its Primaries or conventions during that year.

79. **Declaration not a Pledge.** — This declaration does not require the voter to say how long he has been

in sympathy with the party with which he enrols, or to pledge himself absolutely to support its candidates in the coming election. (§ 308.)

80. **Enrolment is Secret.** — If the voter desires to enrol as a member of any party that has caused its name and emblem to be placed on the enrolment blank, he must enter the enclosed booth and make a cross mark on the enrolment blank in the appropriate circle. He must then replace the blank in the envelope, seal it and give it to the inspector, who must write the name of the voter upon the envelope and hand it back to him. The voter personally deposits the envelope in the ballot-box, and he is then enrolled.

81. **Record must be Kept.** — If the voter does not desire to enrol, he must announce the fact when the envelope is handed to him and immediately return it to the inspector, who must seal it and place it in the ballot-box. The fact as to whether the voter has enrolled or not must be entered in the enrolment book against his name.

82. **Custody of the Enrolment.** — In order to preserve the secrecy of the enrolment and of the ballot, the enrolment books and the ballot-box containing the enrolment blanks must be sealed at the close of the last day of registration and delivered to the "Custodian of Primary Records," who is

the official or board charged with the duty of providing the ballots and other supplies for election day. (§ 150.)

83. How the List is Made Up. — The books and boxes cannot be opened until a week after the regular election. The seals are then broken, and the party affiliation of each voter who has enrolled is ascertained from the contents of the envelope which bears his name and the number set opposite to his name in the enrolment book. The name of the party with which he has enrolled is entered in the enrolment book after the name of the voter.

84. Revision of the Lists. — In this way the enrolment list for the Primaries of the ensuing year is compiled. It must be open for inspection, and copies of it must be published. Adequate provision is made for the issuance of court orders, striking from the list the names of fraudulent voters and of voters who have died or moved away before the Primary is held. The names of voters who are not actually in sympathy with the principles of the party with which they have enrolled may also be stricken off upon demonstration of the fact.

85. Primary and Regular Elections. — When this revision has been made, the lists are in readiness for the Primary election. It must be remembered that

the Primary election is an election within a party, and is exclusively partisan. It is identified with the regular election only through the fact that the registration of voters for the regular election and the enrolment of voters for the Primary election takes place at the same time for the sake of convenience. The Primary election is held to nominate candidates for office, and the regular election is held to elect them.

86. Dates of Primaries. — It is customary to hold national conventions in June or July, while State and local conventions are usually held two or three months later. As one of the functions of the Primary is to choose delegates to these conventions, the Primary election, in years when a President is to be elected, must take place earlier than in other years. The New York law prescribes the holding of Primary elections, as follows: —

To elect delegates to National conventions in Presidential years, on the last Tuesday in March.

To elect delegates to all other conventions and to choose members of party committees, on the tenth Tuesday before election day in Presidential years and on the seventh Tuesday before election day in other years, excepting in New York City, where, in years when a Governor is to be elected, the eighth Tuesday

before election day, and in other years, the sixth Tuesday before election day, are the Primary days.

87. Special Primaries. — In New York City and Buffalo, the two largest cities in the State, there are two Primary elections in years when delegates are to be chosen to conventions representing more than one county. Such delegates must be elected on the tenth and seventh Tuesdays before election day, according to the general provisions of the law, while all other delegates and members of the committees representing the party organization are chosen at a second Primary held on the fifth Tuesday before election day. The first of these Primaries is omitted in years when there is to be no election covering more than one county.

88. Regulation of Parties. — Each party that is governed by the provisions of the Primary Election Law is required to elect a "General Committee" in every county of the State. This General Committee must organize by electing its officers before January 1 following its election. It must adopt rules to govern the party organization and to provide for the apportionment of delegates to the various conventions of the party in proportion to the vote cast in each district for the party nominee for Governor in the last preceding State election. These rules must be filed with

the Custodian of Primary Records, and the party organization must abide by them. (§§ 306–307.)

89. **Basis of Representation.** — The basis of representation in a regular election is the total population of a district; the basis of representation in a Primary election is the party vote cast in a district. That is to say, in forming legislative or Congressional districts, the total population is taken into account, while in a Republican Primary, for instance, a district which gave a heavy vote for the Republican candidate for Governor in the last preceding election will be entitled to a greater representation in the conventions of the party and in its general committee than a district of equal population which cast a smaller vote for the candidate for Governor. This is not true, however, of national conventions, where representation is based upon population and not on party vote.

90. **Primary Districts.** — Voting in Primary elections takes place by "Primary districts." These usually contain two contiguous election districts within the same Ward or Assembly District. The regular polling place in one of the election districts is set apart for the Primary of the party casting the highest number of votes in the Primary district, while the polling place in the other election district is assigned to the party casting the next highest number of votes in the Primary

district, and to all other parties which operate under the Primary Law. (§§ 37–42.)

91. **Parties Separated.** — There are two Republican and two Democratic inspectors of election in each election district. If the Republicans cast the highest vote for Governor in the last preceding State election, the four Republican inspectors in each Primary district have charge of the Republican Primary and the four Democratic inspectors supervise the Primaries of all other parties. The inspectors are sworn to enforce the law. (§§ 38, 151–152.)

92. **Voters must be Informed.** — The party committees are required to prepare lists of all delegates or committeemen who are to be chosen at the Primary election and to apportion the number of delegates or committeemen which each district is entitled to elect. These lists and due notice of the date on which the Primary is to be held must be published in party newspapers.

93. **Preparation of Ballots.** — Official paper, upon which the ballots for the Primary election must be printed, is furnished by the Custodian of Primary Records, each party having a color distinct from that used by the other parties. This paper must be sold at cost, and no ballots printed on any other kind of paper can be counted. The ballots are prepared at the expense

of the party committee or of the persons proposing the names of candidates other than those proposed by the committee. Any number of opposition tickets may be printed.

94. **Watchers and Challengers.** — Political committees may appoint one "watcher" for each election district contained within a Primary district. The law gives the opposition the same privilege by providing that any two or more candidates whose names are on any Primary ballot to be voted in the Primary district may also appoint a "watcher." It is the duty of these "watchers" to guard against fraud and to see that the law is obeyed. They have the right to stand inside the guard-rail which surrounds the ballot-box on Primary day and to witness all that is done until the result of the voting is announced by the inspectors. One "challenger" may also be appointed for each group of three candidates whose names are on any of the Primary ballots. The "challengers" must remain outside the guard-rail, and they may question, or challenge, the right of any person to vote in the Primary. (§§ 155, 161.)

95. **Duration of the Voting.** — Between nine o'clock in the morning and nine o'clock at night the polls may be kept open for such a period as the rules of the party may prescribe; but they must be open for at

least one hour, and in the larger cities they must be open from not later than two o'clock in the afternoon until nine o'clock at night. All electioneering, or soliciting of votes, within one hundred feet of the polling place, is prohibited. These regulations are intended to give every party voter an opportunity to cast his vote.

96. How the Ballots are Cast. — When the voter goes to the polls, he must announce his name and the party with which he is enrolled. If his name is found on the enrolment list, an inspector gives him one of each of the ballots which have been prepared for the Primary. Entering the enclosed voting booth, the voter selects the ballot which contains the names of the candidates for whom he desires to vote, and folds it in such a way that its contents shall not be visible. He then folds the remaining ballots in a similar manner, and coming out of the booth, gives to the inspector the ballot which he wishes to vote. The inspector must deposit it in the ballot-box without unfolding it. The voter then gives the inspector the remaining ballots, and the inspector must place them in another box provided for waste ballots. The voter is forbidden to mark his ballot in any way. As soon as the ballots have been deposited, the name of the voter must be checked off on the enrolment list as having voted.

97. Challenges. — Any voter at a Primary election may be challenged on the ground that he is not the person whose name he has given or that he does not live at the address that he has given. His ballot can then be received only after he has sworn to the statement of his name and residence as it appears on the enrolment list.

98. Announcement of the Result. — At the closing of the polls, the inspectors at each polling place must count the ballots and announce the result. They must also file a statement of the result with the Custodian of Primary Records, who is required to issue certificates of election to the successful candidates. All the proceedings may be reviewed by the courts, which may issue orders compelling the correction of any frauds or errors in the conduct of the election. (§ 115.)

99. Primary Contests. — In New York State, Primary contests are rarely waged to compel the election of delegates to conventions who are known or pledged to the nomination of popular candidates. The Machines are usually permitted to name the delegates to nominating conventions without opposition. Spirited contests are often fought, however, for the control of the party organization in certain counties or Assembly Districts. The decision hinges upon the election of the delegates to the party committees.

CHAPTER V

THE NOMINATION OF CANDIDATES

100. **Methods of Nomination.** — There are several methods of nominating candidates for office. They may be chosen by conventions composed of delegates elected by the party voters. They may be named by conventions to which delegates have been chosen by other conventions. In certain circumstances they may be chosen by party committees. They may be nominated by petitions signed by a specified number of voters. Finally, they may be selected directly by the party voters at the Primary, which is known as the "direct nomination" method.

101. **Conventions.** — For forty-two years after the first President had been elected, there were no conventions, as the term is now understood. Washington was the unanimous choice of the nation. Even after the office of President became an object of competition, party lines were so indefinite that a generation passed before the convention system was adopted. Like the Primary, the convention is a development of the caucus,

and it is intended to give accurate expression to the will of a majority of the voters belonging to a political party. The Representatives of the States in Congress for several national elections assumed in caucus the function of proposing candidates for the Presidency. There was nothing binding in their action, and this method proved so unpopular that the various State legislatures soon began to divide into party caucuses for the purpose of putting national as well as State candidates in the field. This plan, however, while more nearly reflecting the wishes of the party voters in each State, prevented united action among the States themselves, such as had been secured by the Congressional caucus. The result was a multiplicity of candidates, and national elections became contests between individuals rather than between candidates representing parties and party principles. (§ 56.)

102. **Conventions and Parties.** — Political conventions have exerted a marked influence upon the development of party organization. The first national convention, indeed, was called chiefly for the purpose of organizing a national party. (§ 53.) It was the outgrowth of the Anti-Masonic movement, which began in 1826 and was aimed at Freemasonry. In 1830, its adherents in the various States joined in sending ninety-six delegates to a meeting held in Philadelphia.

This meeting framed the plan of holding a national delegate convention to nominate candidates for President and Vice-President, to be voted for in the national election of 1832. It adopted a resolution asking "the people of the United States, opposed to secret societies" to send delegates to this convention in Baltimore in 1831. Each State was requested to send as many delegates as it had Senators and Representatives in Congress. The Democrats were then in power, having elected Andrew Jackson President in 1828. The other great party was the National Republican. Both decided to follow the example of the Anti-Masons in holding national conventions, and both adopted the Anti-Masonic basis of representation, which was one delegate for each United States Senator and Representative in Congress. All these conventions were held in Baltimore, the Anti-Masonic and the National Republican in 1831, and the Democratic in 1832.

103. **First Party Platform.** — Neither the Democrats nor the Anti-Masons adopted any declaration of principles, but the National Republicans passed a series of resolutions which constitute the first party platform, now so prominent a feature of political contests. This platform, put forward at a time when the extent of the powers of the Federal government was still in dispute, contained assertions which have now long since

been accepted by the nation. It is interesting to note that it declared for the protective tariff by insisting that "an adequate protection to American industry is indispensable to the prosperity of the country" and that it arraigned the adherents of President Jackson for the doctrine, "boldly preached" in the Senate, that "to the victor belong the spoils of the enemy." The framers of the first platform might have dwelt more forcibly upon this plank, could they have foreseen how important and demoralizing a part the "spoils system" was to play in the political history of the nation, and how persistently the system was to be maintained. (§ 242.)

104. Defence of the Senate. — Another plank in the platform dealt with a problem which is still of so much contemporary interest that the allusion might have been written yesterday instead of three-quarters of a century ago. It declared the Senate of the United States to be "preëminently a conservative branch of the Federal government" and asserted that "all attempts to overawe its deliberations by the public press or by the National Executive deserve the indignant reprobation of every American citizen." There were 455 words in the first national party platform, which was a model of concise expression. The platforms of the present day usually contain 2000 words or more.

105. **The "Unit Rule."** — As conventions are partisan, the parties which they represent make the rules by which they are governed. Both the great national parties in 1832 adopted Congressional representation as the basis of representation in their national conventions, but the ruling idea of the Democrats was to maintain the powers and integrity of the several States, while the National Republicans and the Republicans who succeeded them inherited the Federalist idea of centralization of power in the national government. The Democrats adopted the practice of electing all the delegates from each State to their national conventions in State conventions, and they decreed that the vote of all the delegates from a State should be determined by the majority vote of the delegates from that State. In other words, they adopted the "unit rule" under which the delegates from each State are compelled to vote as a unit in national conventions. This rule has been maintained ever since, and it is so embedded in Democratic policy that even in State conventions an attempt is made to compel the delegates from each county to vote as a unit.

106. **The "Two-thirds Rule."** — Another rule of Democratic national conventions requires the vote of two-thirds of all the delegates to nominate the candidates for President and Vice-President. This is known

as the "two-thirds rule." It was adopted so as to prevent the delegates from Republican States from uniting to nominate a ticket opposed by the Democratic States which would be called upon to elect the candidates.

107. **Republican Unit of Representation.** — The rules of the Democratic party make the State the unit of representation in Democratic national conventions. The unit of representation in Republican national conventions is the Congressional District, although the delegates corresponding to the two United States Senators from each State are elected by the State convention and represent the entire State. All attempts to introduce the unit rule in Republican conventions have failed. Every delegate may vote as he chooses, regardless of the wishes of the other delegates from his State.

108. **National Conventions Enlarged.** — The national conventions of both the great parties until 1868 were made up of one delegate for each United States Senator and one for each member of the House of Representatives. The Republicans then doubled the number of their delegates by electing four "delegates-at-large" to correspond to the two Senators from each State and two "District delegates" from each Congressional District to correspond to the membership

of the House of Representatives. The Democrats adopted the same plan in their national convention of 1872, and it is still the rule of both parties.

109. **Custom and Law.** — National conventions are still governed wholly by custom and precedent, but the election laws of nearly all the States prescribe regulations for procedure in State conventions and conventions held in subdivisions of States. These laws are intended to insure fair play and to prevent the abuse of power by the party Machines.

110. **Legal Definition of a Party.** — Every party that cast a sufficient number of votes for its candidate for Governor in the last preceding State election is entitled under the law to make its nominations in conventions. No purely municipal organization can legally be a party. In New York State, an organization must poll at least 10,000 votes for its candidate for Governor in order to become a party. In Massachusetts it must poll at least three per cent of the total vote cast for the office of Governor. There are similar restrictions in other States.

111. **How Delegates are Chosen.** — Delegates to conventions called to nominate candidates for offices covering the smaller political divisions of a State, such as Aldermen, members of the legislature, and even Representatives in Congress, are usually chosen

directly at the Primaries under the rules adopted by the party committees. These local district conventions, in turn, choose delegates to city conventions, to Judicial District conventions, which usually include several counties, to State conventions, and to national conventions. (§ 52.)

112. **The State Convention.** — The procedure in a State convention will serve to illustrate convention methods, since all are alike in their general features. The date and place for holding the convention are announced several weeks in advance by the State Committee of the party, which also announces the basis of representation, either by districts or in proportion to the party vote cast in the last preceding State election. The interval between the call and the meeting of the convention affords time for the election of the delegates.

113. **Supremacy of the "Boss."** — The programme of the convention, in practice, is almost always decided upon down to the minutest detail, before the convention meets. The party leader, or "boss," and his lieutenants discuss the relative claims of candidates and decide who shall be nominated. The party platform is written and submitted to the "boss" for his approval. The officers of the convention are agreed upon and their speeches revised. All this is outside

the law, which ignores the existence of the party leader and assumes that the delegates are free to exercise their own judgment. The real interest in the convention is usually centred in the secret conferences of the leaders which precede it and in which the contests over the nominations are fought out, sometimes with much stubbornness. The "slate" is finally made up by agreement between leaders who control a majority of the delegates in the convention. The leaders of the minority may either surrender or they may register their protest by presenting the names of other candidates in the convention with the certainty of defeat, for it is rare in State conventions that there is so equal a division of strength as to leave the result in doubt.

114. **Delegates have no Voice.** — While the leaders are settling what the convention is to do, the delegates are left to their own devices, ignorant of what is going on in the "headquarters" where the leaders are assembled. They are not consulted and their advice is not asked. It often happens that they do not know whom they are to nominate until they hear for the first time in the convention hall the names of the candidates agreed upon by the leaders. Although the law gives them the right to bring forward the names of other candidates, they seldom exercise it and the

delegate bold enough to disobey orders is regarded with disapproval.

115. **The Temporary Roll.** — Conventions are empowered to pass upon the qualifications of their own delegates. Where delegates are chosen in Primary elections, designated officials are required by law to issue certificates of election to them. Similar certificates are issued to delegates chosen by minor conventions, and they must be attested by the officers of these conventions. These certificates are known as the "credentials" of the delegates. The names of the delegates presenting them are placed upon the "temporary roll" of the convention. (§ 98.)

116. **Calling the Convention to Order.** — The chairman of the political committee which issued the call for the convention, or some person authorized by him, must call the convention to order within a reasonable time after the hour named in the call. The hall in which the convention is held must be large enough to seat all the delegates and also their "alternates," who are men chosen to act as substitutes for the regular delegates in case of absence.

117. **Arrangement of Seats.** — In State conventions the seats are usually divided into sections for the delegates from the various counties, and the location of each county delegation is indicated by a standard

bearing the name of the county. The arrangement is alphabetical so that the delegates may easily find their places. The alternates sit in a body in the rear and at the sides of the hall. The balconies and platform are usually decorated with flags and bunting and with portraits of party heroes. There is always a brass band and sometimes several of them to fill in the pauses and help to arouse the enthusiasm which is regarded as an essential feature of conventions.

118. **Notices of Contest.** — When the convention has been called to order, the temporary roll is read and any corrections or substitutions that may be necessary are made as the delegates answer to their names. If the right of any delegate or delegation to sit in the convention is questioned, a notice of intention to contest that right is given by the contestants.

119. **Election of the Temporary Chairman.** — The chairman of the committee which sent out the call for the convention then announces that the committee has selected one of the delegates, whom he names, to be recommended for temporary chairman of the convention. Other nominations may be made and in any case, the roll of delegates must be called, each delegate being required to rise in his place and announce his choice. This is to prevent any person

other than the delegate whose name is called from voting on that name. The election of the temporary chairman is guarded with especial care under the law, because the choice of that official often decides the control of the convention. If there happens to be a close contest, he may name a committee on credentials which will unseat a sufficient number of opposition delegates to insure the victory of the faction that he favors, or he may cause the election of a permanent chairman who will rule against everything proposed by the opposition. In view of these powers the law makes it certain that the delegates themselves shall have a fair chance to decide who their temporary chairman shall be. When elected, he is required to bind himself by oath to the faithful performance of his duties.

120. **Other Temporary Officers.** — It is customary for the temporary chairman to make a speech in which he may allude in a general way to the achievements of the party and its prospects in the coming election. Temporary secretaries and other officials are chosen, and the temporary organization of the convention is completed. The rules of the lower branch of the State legislature, so far as they are applicable, are usually adopted to govern the details of debate and the making of motions.

121. **Appointment of Committees.** — Then comes the appointment of the committees on credentials, permanent organization, and resolutions. It is the duty of the committee on permanent organization to propose the names of a permanent chairman, secretaries, sergeant-at-arms, and such other officers as may be named by the convention. The committee on resolutions must frame the party platform for the campaign. The function of the committee on credentials is to hear the arguments of contestants for seats in the convention and decide what names shall be placed on the permanent roll of delegates. The membership of these committees is decided by the rules of the party holding the convention. It may be one member for each Congressional or Senate District or other division of the State. The list of districts is called, and the delegates from each district offer the names of one member for each of the committees until the list is complete. All notices of contest which have been made are referred to the committee on credentials, and all resolutions proposed are sent without debate to the committee on resolutions.

122. **Work of the Committees.** — The convention then takes a recess to give the committees time to complete their tasks. The meeting of the committee on permanent organization is usually only a formality,

as the leaders have decided in advance who shall be selected. The committee on resolutions considers the platform which has been prepared for it, but rarely makes any material change. The work of the committee on credentials is more serious, because recognition by the convention determines "party regularity." This means that if two opposing factions of a party in any county have sent delegates to the convention, and one delegation is seated while the other is not, the faction whose delegates are seated is thereby recognized as "regular" by the highest party authority in the State. It will be entitled to claim such privileges as the naming of Primary and election officials, the making of party rules for the county or district organization, and the calling of Primaries and minor conventions. It is also entitled to make recommendations for appointment to office and to receive the local allotment of campaign funds. Therefore, even when the control of the convention is not in doubt, there are frequently bitter contests before the committee on credentials. The law gives the committee authority to examine witnesses under oath, and, in local conventions, to compel their attendance through application to the courts. (§ 298.)

123. **The Permanent Roll.** — When the convention reassembles after the recess, the committee on cre-

dentials makes its report. This recommends that the temporary roll of delegates be made the permanent roll of the convention, excepting as to such changes as may be recommended as the result of contests. A separate report is made on each contest. Sometimes the committee favors admitting to the convention both the "sitting delegates" whose names are on the temporary roll, and the contesting delegates, giving each delegate half a vote. This prevents either faction from claiming the stamp of "regularity." Motions may be made in the convention to amend the report of the committee in any particular. The permanent roll of delegates must be approved by a majority of the convention, and the delegates from the district or county in dispute are not permitted to vote on the disposition of the contest.

124. **Permanent Organization.** — The committee on permanent organization then makes its report, proposing the names of permanent officers. Any delegate may move to substitute other names, but there is rarely a contest over this report. The permanent chairman may be elected by a roll-call, but this is not required by the New York law. Like the temporary chairman, he must take an oath faithfully to perform his duties. After declaring him elected, the temporary chairman gives way to him. The permanent chair-

man usually makes a speech in which he discusses the issues of the campaign and outlines the position that the party is to take in its platform. The temporary secretaries and other temporary officers of the convention are usually made permanent.

125. **The Platform.** — The chairman of the committee on resolutions then reads the report of that committee, which constitutes the party platform. All platforms originally consisted of paragraphs, each beginning with the words "Resolved: That, etc." Hence the platform committee is still called the committee on resolutions, although platforms are now declaratory and argumentative, without settled form. Each paragraph constitutes a "plank." Any delegate may move to amend a plank, or he may offer a substitute for it or for the entire platform; but as the committee on resolutions represents a majority of the convention, its report is usually accepted without change.

126. **Nominations.** — This brings the convention to its chief business, — the making of nominations for the offices that are to be filled in the approaching election. When the platform has been adopted, the chairman announces that nominations for the highest of these offices is in order. The delegate who has been selected by the leaders to nominate the candidate of

their choice, places his name before the convention in a eulogistic speech. It is customary for the orator to refrain from naming the candidate until he has reached his final period. The earlier part of the speech is devoted to the qualifications of the candidate for the office which is to be filled, his services to the party, and his biography. The announcement of the name is the signal for an outburst of cheers and applause, which is often the only contribution that the delegates are permitted to make to the proceedings. Other candidates may be named and "seconding" or indorsing speeches are made. The chairman then declares nominations closed. If more than one candidate for the same office is placed in nomination, there must be a roll-call of the convention. Upon this roll-call, the chairman of any county or district delegation may announce that the county or district casts its entire vote for one of the candidates, or that its vote is divided. His statement is received unless it is challenged; but any delegate may demand that the delegation be "polled," and the name of each delegate in the delegation must then be called separately.

127. **Nomination by Acclamation.** — If only one candidate is placed in nomination, he may be nominated "by acclamation." When the chairman has announced that nominations are closed, a delegate may move

that the secretary of the convention be instructed to cast the vote of the entire convention for the candidate who has been named, and if there is no objection, the action of the convention is deemed to have been unanimous. Even when there has been a contest over a nomination, the leader of the minority in the convention, when it has become apparent that his candidate has been defeated, and before the final result of the vote has been announced, may move that the nomination of the victorious candidate be made unanimous. This involves the transfer to the victor of all the votes cast for the defeated candidate. If there is no objection, the convention may so order.

128. **Majority Vote required to Nominate.** — Nominations in a State convention and in all other conventions, excepting Democratic national conventions, where the two-thirds rule prevails, are made by the votes of a majority, or more than half, of all the delegates elected to the convention. If more than two candidates are placed in nomination, it often happens that none of them can obtain a majority of the convention. This precipitates a "deadlock," and sometimes hundreds of ballots are taken before there is a decision. Conventions may be prolonged in this way for weeks, and they are likely to engender much bitterness between the supporters of the various candidates. A solution is

usually obtained by the withdrawal of one or more of the contestants in favor of a rival, or by agreement upon a compromise candidate.

129. **Completing the Ticket.** — When, as in State conventions, candidates for several offices are to be named, they are nominated in the order of the importance of their offices. Every nomination must be certified under oath by the chairman and secretary of the convention.

130. **Committee to fill Vacancies.** — After all the candidates have been nominated, the convention may designate a committee to fill vacancies on the ticket caused by the death or declination of candidates before the time limit for the filing of nominations has expired. In State conventions this power is usually conferred upon the State Committee of the party; in county conventions upon the County Committee, and in districts where there is no distinctive party committee, a special committee may be named for the purpose. The State convention may also designate the State Committee or a special committee to nominate candidates in years when the State nominations to be made are so few or unimportant that it is not deemed advisable to call the State convention together. Nominations made by a majority vote of such committees are as valid as nominations made by conventions, but the resolution

of the convention granting authority to make them must be attached to the certificate of nomination.

131. **The Party Emblem.** — In States where illiterates are allowed to vote, it is customary for State conventions to adopt a "party emblem." This emblem is printed upon the official ballot at the head of the column containing the names of the candidates nominated by the party to which the emblem belongs. A voter who cannot read the names of the candidates or the name of his party is thus enabled to vote his party ticket by making a cross-mark beneath the emblem adopted by his party. The New York State law provides that no two emblems shall be alike, and it forbids the use of the seal or coat of arms or flag of the United States or of any State, or of any religious symbol, or the portrait of any person, or a representation of any coin or currency of the United States. The Democratic emblem in New York State is a star, the Republican emblem is an eagle upon a ballot-box, the Prohibition emblem is a fountain. Each party seeks an emblem typical of its principles. All emblems must be certified and recorded. (§§ 78, 148.)

132. **Nomination by Petition.** — The great majority of the candidates elected to office are nominated in conventions, but usually most of the candidates whose names appear upon the official ballot to be voted for are

nominated by "petition" or "nomination papers." In order to protect the independent voter who cannot participate in a party convention, the laws of nearly all the States provide that candidates may be placed in the field without the holding of conventions. To accomplish this, petitions or nomination papers must be prepared, giving the title of the office to be filled and the name and residence of each candidate who is to be nominated. Persons circulating petitions must adopt a party name, and, where there is no educational qualification for voters, an emblem. Every voter who signs a nominating petition must declare that he is qualified to vote and that it is his intention to support the candidates named in the petition. No voter is permitted to sign more than one nominating petition for the same office, and the petition cannot contain the names of more candidates than there are offices to be filled. Each signature must be attested before a notary public or other officer with power to take acknowledgments, who must certify that the signer is personally known to him.

133. **Signatures required to Nominate.** — Nominating petitions must contain a certain number of sworn signatures, specified by law in proportion to the population of the territory covered by the office to be filled. The New York State law requires 6000 signatures for

a State nomination, of which each county must furnish at least 50. To make nominations in districts smaller than the State, but greater than a town or ward of a city, 1000 signatures are required. Members of the Assembly may be nominated by 500 voters. In New York City and Buffalo, 2000 signatures are required to nominate a candidate for a municipal office; in other cities of more than 50,000 population, 1000 signatures are required, and in the smaller cities, 500. In Massachusetts, 1000 voters may nominate a candidate for a State office by petition, and all other candidates to be voted for in a general, or State, election may be nominated by one voter for each 100 votes cast for Governor in the last preceding election in the territory covered by the office to be filled. In town elections, the signature of one voter in 50 is required.

134. **Abuse of Nominating Petitions.** — The right to make independent nominations by petition is often taken advantage of by partisans for purposes of political strategy. If the Democrats, for instance, seem likely to have the support of the workingmen in an election, the Republicans may cause a "labor ticket" to be nominated by petition in the hope of attracting the labor vote away from the Democratic candidates. Of course, under such circumstances, the connection between the Republican Machine and the "independent" party

is carefully concealed, but the Republican Machine supplies the signatures necessary to make the nominating petitions valid and often defrays the expenses of the "independent" campaign. This is a violation of both the letter and the spirit of a law which was intended to give genuine expression to the wishes of independent voters.

135. **Forgery of Signatures.** — Gross frauds are often perpetrated in the forgery of signatures to nominating petitions. Where a large number of signatures is required, half a dozen men sitting around a table have copied names from the City Directory, passing the petitions from one to another so that there would be a variation of the handwriting on each. Such frauds can be proved only by the verification of every signature, and the perpetrators of them have never had any trouble in finding dishonest notaries to attest false signatures, although the offence constitutes the crime of perjury.

136. **Direct Nomination.** — Direct nomination of candidates at the Primaries is provided for in some of the States, but it is not yet general in practice. It is usually confined to cities and to the nomination of candidates who are to be voted for in districts less in extent than the State. In other words, this method applies to the nomination of local rather than State officers. It is generally optional with the local political organizations

whether they shall name their candidates directly at the Primaries or by conventions.

137. **How Direct Nominations are Made.** — Names of candidates for direct nomination at the Primaries may be presented in petitions signed by five or ten voters in the district for which the nomination is to be made. The signatures must be verified under oath and the signers must be members of the party to which their candidate belongs. The names of all candidates thus proposed must be arranged in party columns upon an official Primary ballot, or printed upon separate party ballots, and grouped alphabetically under the title of the office for which they are designated. The party voter must indicate his choice, either by placing a cross-mark before the name of the candidate whose nomination he favors, or by marking out the names of the candidates whom he opposes. The candidate receiving the highest number of votes in the district covered by the office for which he has been proposed becomes the nominee of his party for that office. (§ 277.)

138. **The New Jersey Method.** — Instead of this direct vote at the Primaries for the candidates themselves, which eliminates the convention, the party voters may elect to a convention delegates who are pledged to vote for designated candidates to be nominated by the convention. The names of such candidates for the office

of delegate are proposed by petition and placed upon the Primary ballot, coupled with the names of the candidates whom they are pledged to support. This method has been used effectively in New Jersey. In systems of direct nomination, the casting and counting of the ballots are surrounded by all the safeguards against fraud that are applicable to Primary or regular elections.

139. **Certification of Nominations.** — The nomination of party candidates for office, however made, must be certified either by the officers of the convention which makes them, the committee appointed by a convention to nominate or to fill vacancies, the officials with whom nominating petitions are filed, or the officials whose duty it is to declare the result of Primary elections. Unless objection is made, or the candidates named decline to serve, the names of the nominees must be placed upon the official ballot. All nominating proceedings are reviewable by the courts, which may order the correction of errors or frauds. (§ 162.)

140. **Preparation of the Official Ballot.** — After the nominations have been made, a reasonable interval is allowed for filing the certificates of nomination with the board or official whose duty it is to prepare the official ballots. Another interval is permitted for declining nominations and the filling of vacancies. The ballots

are then printed, and they cannot be changed until election day unless at the last moment a candidate should die. To meet this emergency, official "pasters" containing the name of a substitute candidate named by the committee to fill vacancies may be prepared and affixed to the ballot. (§ 163.)

CHAPTER VI

VOTING ON ELECTION DAY

141. **Changes in Voting Methods.** — Offices may be filled either by direct vote of the qualified voters, or indirectly by bodies composed of men to whom the voters have delegated their power to elect. The two methods resemble the direct and indirect methods of making nominations; but the indirect method is almost universal for nominating candidates for office, while the direct method of electing them is employed in filling nearly all the offices which are filled by election. Direct voting has undergone many modifications in this country. Originally each voter announced his choice by word of mouth, and in some of the States this continued until a few years ago. Kentucky was the last State to abandon it. Voting by ballot was common in New England before the Revolution, and it was practised in half of the States when the Constitution was adopted. It has since been adopted by all the States.

142. **Separation of Elections.** — General elections, or elections in which the entire voting population of the State participates, are usually held in the fall, and local

elections, for choosing county, city, town, and village officers, in the spring. This separation of general from local elections permits the voters to give an adequate share of their attention to each. Experience has shown that the greater issue nearly always overshadows the lesser. When the voters are engaged in the election of a President, they are likely to slight the issues involved in their own State election, because of their interest in the national election, and when a State ticket is being chosen, little heed is paid to the qualifications of candidates nominated for county, city, town, or village offices.

143. **Presidential and Congressional Elections.** — National elections for the choice of the President and Vice-President occur every four years, counting from the beginning of the century. Representatives in Congress are elected in even-numbered years. These elections fall on the first Tuesday after the first Monday in November, and they are subject to federal laws which may be enforced by the national authority through United States Marshals and their deputies and the United States courts. The term of office of the President and Vice-President who are in office when the election is held, ends at midnight on March 3 following the Presidential election.

144. **State Elections.** — In nearly all the States, the Governor and the State officers are elected for either

two or four years, although in Massachusetts and Rhode Island the State officials are elected annually, and in New Jersey every three years. As a rule, the terms of these officers end with the last day of December following the election, so that the new administration begins with the new year, although there are several exceptions to this. Like national elections, the State elections are held on the first Tuesday after the first Monday in November, with the followng exceptions: —

Arkansas holds its election on the first Monday in September;

Georgia on the first Wednesday in October;

Louisiana on the second Tuesday in April;

Maine on the second Monday in September;

Oregon on the first Monday in June;

South Carolina on the second Tuesday in November;

Vermont on the first Tuesday in September.

There is usually much interest in the result of the September State elections in Maine and Vermont in Presidential years, as the voting in those two States is looked upon as an indication of the drift of popular sentiment. Each party tries to make as good a showing as possible, in the hope that an increase in the vote for its State candidates will have an effect upon the voters all over the country. The first Tuesday after the first Monday in November has been generally adopted as the

day for holding elections, because the harvests have then been gathered, winter has not yet set in, and the voters have more time to devote to the campaign and the election than they have at any other suitable season.

145. **State and National Elections.** — In States which hold their general elections only once in four years, the date of the State election falls in the even-numbered years midway between the national elections. In States which elect their State officers every two years, every alternate State election coincides with a national election. The election results in New York State in recent years give an illustration of the extent to which national issues overshadow State questions. The national trend of sentiment since 1892 has been strongly Republican. The following table gives the pluralities for President and Governor in New York State since that year: —

Year	Election	President's Plurality	Governor's Plurality
1894	State	.....	156,180
1896	National and State	268,469	212,992
1898	State	.....	17,794
1900	National and State	143,606	111,126
1902	State	.....	8,803
1904	National and State	175,552	80,560
1906	State	.....	57,897

It will be noted that while the Republican candidate for President carried the State by an overwhelming plurality in the last three Presidential elections, the Republican candidate for Governor in the "off years" of 1898 and 1902, when only State officers were being elected, narrowly escaped defeat. In 1906 the Republican nominee was the only Republican on the State ticket to be elected. The wide fluctuations between the vote cast for Governor in years when national issues were being discussed, and the vote cast in years when only State questions were being decided, are typical of the disposition of the voters to base their decisions upon the issues that they deem to be of the greatest importance, and to give little attention to anything else.

146. **Local and General Elections.** — In nearly all the States an attempt is made to separate local from general elections. In New York State, where general elections occur biennially, in even-numbered years, the city elections, as a rule, take place biennially in the odd-numbered years. County, town, and village elections usually occur in the spring and extend over several weeks in the various localities. These local elections are developments of the town meeting which, since colonial times, has been held in the spring.

147. **The Australian Ballot.** — The adoption of the type of ballot used in Australia and known as the

"Australian ballot" was an important step in election reform. This ballot is now in use in all the States of the Union with the exception of a few of the Southern States. Massachusetts took the lead by adopting it in 1888, and her example was quickly followed by other States. The Australian system provides that there shall be only one ballot and that it shall be "official"; that is, printed at the public charge and containing the names of all the candidates regularly nominated for the offices to be filled by the election for which the ballot is to be used. The pure form of the Australian ballot is most nearly reproduced in the Massachusetts ballot, where the names of all the candidates for each office are grouped together under the title of the office and arranged in alphabetical order. Before each name is a blank square in which the voter must make a cross-mark to indicate the candidate for whom he desires to vote. No State has adopted the Australian system in its entirety, since in some of its features it is unavailable in this country. It provides for the registration of all voters by districts, the nomination of all candidates by petition, the official assessment of candidates to meet the expense of printing the ballots, the exclusive use of the official ballots upon which the names of candidates must be printed in alphabetical order, and the preparation of the ballot by the voter at the polling-place in a

secret voting booth. This system was designed chiefly for the election of Members of Parliament, where comparatively few candidates are to be voted for.

148. **The Party Column.** — In order to vote the Australian ballot the voter must be able to read the names of the candidates and thus select from the alphabetical list those for whom he desires to vote. This creates an educational test for voters which has been held to forbid the adoption of the system in States where illiterates are permitted to vote. In New York State the difficulty is overcome by the device of the "party emblem" and the "party column." The names of all the candidates nominated by each party are printed in a separate party column beneath the party emblem, which has been described in the chapter on Nominations. (§ 131.) The effect of this arrangement is to produce a series of distinct party ballots printed side by side upon a "blanket ballot," and distinguished from one another by the party emblem which serves the purpose of a political trademark. A blank circle is placed at the head of each party column immediately under the emblem, and the voter may vote for all the candidates of a party by making a single cross-mark in this circle. This is known as voting a "straight ticket."

149. **New York's Voting System.** — Bearing in mind the fact that the voting laws of the various States pre-

sent differences of detail, the working of the general system may be illustrated by a description of the method adopted by New York State. Before the arrival of election day the necessary work of preparation must have been completed. Precautions against "repeating" have been taken through the registration of voters in such a manner as to insure an opportunity for their identification (§§ 34–36); nominations have been made and certified to the officials whose duty it is to print the official ballots (§ 150); the polling-places have been designated and the election officers appointed.

150. **The Custodian of Elections.** — The administrative work involved in the execution of the election laws is made the duty of certain designated officials. In New York City they are the four members of the Board of Elections, who are appointed by the Mayor. Not more than two members of this Board may belong to the same political party, and the chairmen of the local committees of the parties casting the highest and the next highest number of votes for the office of Governor in the last preceding general election may suggest names for appointment. The term of office of the members of the Board is two years, and the salary $5000 a year. The Board receives certificates of nomination, prepares and prints the official ballots, defines election districts,

selects polling-places and furnishes them with supplies, publishes notices and advertisements, receives and tabulates election returns, and issues certificates of election. These duties are performed by a Commissioner of Elections in the city of Buffalo and the County of Westchester and by county clerks or town clerks in other parts of the State. The designation of the Board or official performing these duties is "Custodian of Elections." (§ 82.)

151. **Other Election Officers.** — To distribute the ballots and to supervise the voting, four election inspectors, two poll-clerks, and two ballot-clerks are appointed for each polling-place. These officers are divided equally between the two leading political parties in the State, and they must be selected from lists furnished by the party committees in each county. In New York City they are appointed by the Board of Elections; in other cities by the Mayor, and in towns by the Town Board. In cities their term of office is one year and in towns two years. They must be qualified voters, of the county if in cities, and of the election district in which they serve if in towns. They must be of good character, able to read and write, and generally familiar with the duties of their office. No candidate and, with few exceptions, no office-holder may serve as an election official. In New York City the inspectors and poll-clerks receive

$7.50 for each registration day and $12 for election day. The ballot-clerks receive $8 for election day. Elsewhere each of these officers receives $5 for each day of service.

152. **Duties of Election Inspectors.** —The four inspectors of election are in charge of the polling-place on election day. It is their duty to see that the law is enforced, to open and close the polls at the time appointed, to preserve order, to see that only registered voters are allowed to vote, to prevent interference with voters, to receive and deposit the ballots, to hear challenges and administer the prescribed oaths, to count the votes, proclaim the result, and certify the returns to the Custodian of Elections and other officials in accordance with the requirements of the law. (§§ 38, 91.)

153. **Duties of Poll-clerks.** —The poll-clerks are required to keep a record of the voters upon a "poll-book," entering the name of each voter together with the number of the ballot which he voted. They must also keep a detailed record of the count of the votes upon a "tally-sheet." (§§ 173, 184, 190.)

154. **Duties of Ballot-clerks.** — The ballot-clerks have charge of the official ballots. They must deliver them to the voters as they are called for and keep a statement showing how many ballots were voted, how many were spoiled, and how many were returned

to the Custodian of Elections. These various records and statements are intended to be checks upon all the others. If properly kept, they should show at the close of the polls what became of each ballot and the totals should agree. The total number of votes cast for a candidate should be the same on the official return made by the inspectors and on the tally-sheet kept by the poll-clerks, and both records should coincide with the statement made by the ballot-clerks of the number of ballots voted. This prevents the removal from the ballot-box of ballots actually voted, and it renders the "stuffing" of the ballot-box with ballots not actually prepared by voters impossible. (§§ 172–176.)

155. **Watchers and Challengers.** — Each political party or independent political organization may appoint two "watchers" for every polling-place. These watchers are entitled to be present within the "guard-rail" which surrounds the ballot-boxes and the voting booths and to see all that is done there by the election officials and the voters in the conduct of the election. It is their function to see that the election officers do their duty. Every political party or organization may also appoint one "challenger." The challengers are not allowed to enter behind the guard-rail. It is their function to challenge any voter whose right to vote is open to question. (§§ 94, 161.)

156. **Electioneering Forbidden.** — While the polls are open, electioneering within a hundred feet of the entrance to the polling-place is forbidden. The inspectors are required to post "distance cards" to mark the hundred-foot limit. No political banner or poster may be displayed in the polling-place or upon the building containing the polling-place.

157. **Restrictions upon the Polling-place.** — There must be one polling-place in each election district. It must be in a room of "reasonable size," large enough to contain ten men outside the "guard-rail" which surrounds the voting booths and the ballot-boxes. The polling-place cannot be in any building in cities, and outside of cities in any room, where liquor has been sold within thirty days of the election, and no liquor may be brought into the polling-place on election day or dispensed within a quarter of a mile of any polling-place while the polls are open. This provision is intended to prevent the influencing of voters by "treating." The location of the polling-places in each election district must be advertised on the day before the election and on election day. Not more than one polling-place can be in the same room nor more than two in the same building.

158. **Distribution of Supplies.** — The polling-places must be furnished by the Custodian of Elections, at the

public expense, with ballots, ballot-boxes, guard-rails, voting booths, and other necessary articles. These supplies must be delivered before the opening of the polls, and such of them as are not used up must be returned to the Custodian after the polls close.

159. **Ballot-boxes.** — Ballot-boxes must be of sufficient size to contain all ballots that may legally be cast in the election district. They must be provided with a lock and key and they must have an opening in the top just large enough to admit a single official ballot. This is to prevent "stuffing" by placing two or more ballots in the box at the same time. At least three boxes must be provided for each polling-place — one for the ballots voted, one for the "stubs," and one for spoiled and mutilated ballots. Additional boxes must be provided for amendments to the Constitution and other questions submitted to the voters, and each box must be plainly marked to indicate what it is to contain.

160. **Voting Booths.** — Every polling-place must be equipped with at least one voting booth for each seventy-five voters who have registered in the election district. The booths must be not less than three feet square and six feet high, and they must be inclosed on all four sides so that secrecy may be assured to the voter while he is preparing his ballot. The door of the booth can extend only to within two feet of the floor so that it may be seen

whether a booth is occupied and whether more than one person is inside. Each booth must be clearly lighted and it must have a shelf placed at a convenient height and provided with pencils having black leads for marking the ballots.

161. **The Guard-rail.** — The guard-rail must be placed six feet away from the ballot-boxes and the voting booths and in such a manner as to prevent access to them while not obstructing a clear view of them from outside the rail. A gateway through the rail must be provided for entrance and exit. The guard-rail is intended to keep Machine "workers" and "heelers" away from the ballot-boxes and polling-booths so as to prevent interference with voters. (§§ 94, 155.)

162. **Filing of Nominations.** — Nominations which are to be voted for in more than one county, excepting the counties contained in the city of New York, must be filed with the Secretary of State. All other nominations must be filed with the Custodian of Elections in the city, county, town, or village where the candidates are to be voted for. The Secretary of State, fourteen days before the election, must certify all nominations filed with him to the Custodian of Elections in each subdivision of the State which is entitled to vote for them. If a State official is to be elected, this certification of candidates must go to all the Custodians of Elec-

tions in the State. If a Justice of the Supreme Court is to be chosen, the certification of candidates for the office must go to all the Custodians of Elections within the Judicial District. (§ 139.)

163. Preparation and Distribution of Ballots. — In this manner the Custodians of Elections, either through the filing of nominations directly with them or through the certification of nominations by the Secretary of State, receive a full official list of all the nominations for offices to be voted for in the territory under their jurisdiction. From these lists they are required to make up "sample ballots," which must be printed and ready for inspection five days before the election, and official ballots, which must be ready four days before the election. In all parts of the State excepting New York City and Buffalo, the official ballots must be delivered to the election inspectors on the Saturday before election day, and in New York City and Buffalo at least half an hour before the opening of the polls. There must be once and a half as many official ballots as there are registered voters in each election district. (§ 140.)

164. Printing the Ballots. — Minute provision is made by the law regarding the preparation of the official ballots so that they shall be uniform in appearance, presenting no characteristics that will enable the inspectors to determine how a voter has voted. The

names of the candidates of each party must be printed in black ink in parallel columns under the party emblem and name, upon white paper of specified quality. The first place on the ballot, from left to right, is assigned to the candidates of the party which cast the highest number of votes in the last preceding State election, and the second place to the candidates of the party casting the next highest number of votes. Each of the other parties has a separate column for its ticket and the last place on the ballot is reserved for a "blank column," containing only the designation of the offices that are to be filled. In this column the voter may write the names of any persons for whom he desires to vote, whose names do not appear elsewhere upon the ballot. The blank column preserves the voter's liberty of choice as prescribed by the Constitution of the State. Without it he would be either compelled to vote for candidates regularly nominated or he would be deprived of his vote from a cause not recognized by the Constitution.

165. **The Stub and the Ballot.** — Across the top of each ballot is the "stub," two inches wide and divided from the ballot itself by a perforated line, so that it may easily be torn off. Upon the inner face of the stub are printed brief instructions to voters for marking the ballot and upon its back the number of each ballot, beginning with "No. 1" and increasing in regular nu-

merical order. Upon the inner face of the ballot the names of the candidates are printed in the manner already described and upon its back are the words "Official Ballot," the designation of the Assembly District, and the election district in which the ballot is to be voted, and a facsimile of the signature of the official who caused the ballot to be printed, which is intended to prevent counterfeiting. This form identifies the ballot given to each voter up to the time when the stub is torn off, immediately before the ballot is deposited in the ballot-box. After the stub has been detached the ballots cast in each election district are precisely alike.

166. **Instruction Cards.** — In addition to the directions for marking the ballot which are printed on the stubs, each polling-place must be provided with twelve "instruction cards" printed in English and twelve more printed in such other languages as the Custodian of Elections may direct. These cards must contain full instructions for obtaining, marking, and voting the official ballots and also a copy of the Penal Code provisions relating to crimes against the elective franchise.

167. **Locking the Ballot-boxes.** — The election officials are directed to have everything in readiness in the polling-places before the time set for opening the polls. Before any ballots are cast, the inspectors are required

to open the ballot-boxes, permit the watchers to examine them so as to ascertain that they are empty and have not been "stuffed" in advance, and then to lock them again in full view of the watchers. When they have been thus locked, they cannot be reopened until after the polls have closed.

168. **Election Officers sworn to Secrecy.** — Before the voting begins each election officer must take an oath not to try to persuade any voter to vote for any particular candidate, not to make any private memorandum of anything occurring in the polling-place, and not to reveal to any person the name of any candidate voted for by any voter, or what ticket he voted, excepting in a judicial proceeding for a violation of the election law. This provision is designed to prevent the election officials from giving information as to whether a purchased voter has carried out his bargain to vote a certain ticket.

169. **Opening the Polls.** — One of the election inspectors must be designated by the board of inspectors to receive the ballots from voters and to place them in the ballot-box. As this post gives an opportunity for fraud, if the inspectors cannot agree as to which of them shall have it, the choice must be decided by lot. At the hour of six o'clock in the morning the inspectors must proclaim orally that the polls are open and that they will remain open until five o'clock in the afternoon.

170. **Maintenance of Order.** — While the polls are open, no person is permitted to be inside the inclosure formed by the guard-rail excepting the election officials and the watchers, voters who desire to vote, candidates for office, and persons admitted to preserve order or to enforce the law. This provision is intended to prevent intimidation, electioneering, and confusion about the ballot-boxes.

171. **Identification of the Voter.** — When a voter presents himself at the polling-place, he must announce his name and address. The inspectors examine the registry list and if they find that he is registered, they must announce the fact. The voter at least in theory is thus identified. (§ 46.)

172. **Delivery of the Ballots.** — After the identification has been made the ballot-clerks deliver to the voter an official ballot, calling out the name of the voter and the number printed upon the stub of the ballot delivered to him. The ballot must be folded ready for voting. (§ 154.)

173. **Voter's Name Recorded.** — Upon the delivery of the ballot to the voter each of the poll-clerks must enter upon his poll-book the voter's name as announced by the ballot-clerks and the number of his ballot. This entry serves as a check on the records kept by the inspectors and the ballot-clerks. (§ 153.)

174. **Access to the Ballot-boxes.** — As soon as he has received his ballot the voter must go alone into one of the voting booths, unfold the ballot, and mark it as he desires. He is not permitted to occupy the booth for more than five minutes if there are other voters waiting their turn to enter. This limitation precludes the trick of preventing access to the ballot-boxes by holding the booths. (§ 7.)

175. **Identification of Ballots Prohibited.** — The voter is forbidden to mark his ballot in such a way that it can be identified after it has been placed in the ballot-box. The object of this prohibition is to prevent him from selling his vote and then distinguishing his ballot by some peculiarity that will prove to the satisfaction of the purchasers that he has kept his agreement. All marks on the ballot must be made with a pencil having a black lead. The ballot must not be torn or defaced by any erasure, and nothing can be placed upon it excepting the prescribed cross-mark and, in the blank column, the name of any person not regularly nominated for whom the voter may desire to vote. Unless these rules are strictly observed the ballot will be rejected in the count.

176. **Spoiled Ballots.** — If a voter accidentally spoils his ballot by an error of marking or otherwise, he must return it to the ballot-clerks, who are required to receive

the ballot, tear off the stub, and deposit both the spoiled ballot and the stub in boxes provided for the purpose of receiving them. The ballot-clerks must then give the voter a new ballot, observing all the formalities that attended the delivery of the original ballot. No voter may receive more than three ballots in this way, and if he cannot prepare his ballot properly after the third trial, he loses his vote. The records must show what has become of each ballot delivered, so as to make sure that no voter has succeeded in getting more than one ballot into the ballot-box. (§ 154.)

177. **Physical Disability.** — If a voter is physically disabled, he must state the fact when he registers. Physical disability is defined by the law as blindness, loss or disability of both hands, or inability to enter the voting booth unassisted. When a physically disabled voter presents himself to vote, two inspectors of election of opposite political faith must enter the booth with him and assist him in preparing his ballot. This assistance is also accorded to illiterate voters in districts where personal registration is not required. The voter must swear that he is actually disabled and a record must be kept of the fact that he received assistance. If a false oath is made, or if the inspectors attempt to influence the voter, or if they reveal how he voted, the offence may be punished as a felony by

imprisonment of from two to ten years. This provision of the law makes it possible for voters who are actually disabled to vote, and at the same time prevents purchasable voters from pretending disability for the purpose of selling their votes.

178. **Challenges.** — The right of any person to vote on election day may be challenged at the polls, either when he receives his ballot or when he offers to deposit it. The challenge may be made by any qualified voter. It may be based on the assertion that the voter challenged is not the person whom he pretends to be, that he is not legally qualified in age, length of residence, or citizenship to vote in the election, that he has been bribed, or that he has been convicted of a felony. The inspectors must challenge every person whom they know or suspect to be not qualified to vote, and every person who was challenged when he presented himself for registration, unless the challenge has previously been withdrawn. (§ 51.)

179. **Swearing in a Vote.** — When a person who has been challenged insists upon his right to vote, the inspectors are required to put to him a "preliminary oath" in which he is asked to swear that he will truly answer all questions put to him regarding his place of residence and his qualifications as a voter. If he takes this oath, the inspectors must then ask him his name;

his residence; where he lived before he entered the election district; whether he is a native or a naturalized citizen, and if naturalized, when and where he was admitted to citizenship; whether he came into the election district for the purpose of voting there; and how long he intends to reside in the district. If he refuses to answer any of these questions, his vote must be rejected. If he does answer them and his answers seem to disqualify him as a voter, the inspectors must point out to him the respect in which he seems to be disqualified. If he then still insists that he has a right to vote, the inspectors are required to administer to him the "general oath." This oath compels him to swear that he is in all respects a qualified voter; that he has not engaged in any form of bribery of voters; that he is not interested in the result of any wager on the election; and that he has not been convicted of any crime which would debar him from voting. If he refuses the oath, his vote must be rejected; but if he takes the oath, his ballot must be received. The inspectors of election are not empowered to reject the ballot of any person who takes the required oaths, even though they may be convinced that it is fraudulent; but any person making a false oath is liable to arrest and severe punishment. The challenge is intended to prevent bribery and repeating and to con-

fine the voting privilege to persons who are legally entitled to it. The election inspectors must keep a record of all challenges made.

180. Marking the Ballot. — Having received his ballot and retired into a voting booth, the voter must proceed at once to prepare it for deposit in the ballot-box. In New York State there are two ways of marking the ballot. They are as follows: —

First: The voter may make a cross-mark in the blank square in front of the name of each candidate for whom he wishes to vote, and if the name of any candidate whose election he desires is not printed on the ballot, he may write it in the blank column under the title of the appropriate office. If he adopts this method of marking, the voter should make no mark in any of the circles at the top of the party columns.

Second: If the voter desires to support all the candidates nominated by a party, he may make one cross-mark in the circle at the top of the party column and beneath the emblem of the party for whose candidates he desires to vote. This single cross-mark gives each of the candidates whose names are printed in the column below it one vote and is known as voting a "straight ticket." But if the column contains the name of any candidate whom the voter does not wish

to support, he may avoid voting for that candidate by placing a cross-mark before the name of another candidate for the same office in another column. This is known as voting a "split ticket." The mark in the circle at the head of the column signifies a vote for all the candidates in that column unless the voter makes an exception by placing a cross-mark before the name of a candidate in another column.

These two methods of marking the ballot are wholly distinct and should not be confused. If the voter desires to designate individually each candidate for whom he wishes to vote, he should make no mark in any of the circles at the top of the ballot. He cannot vote for more candidates than there are offices to be filled. Thus, he may vote for only one candidate for Governor; one candidate for District Attorney; three candidates for Supreme Court Justice, if there are three vacancies to be filled; and four candidates for Coroner, if there are four Coroners to be elected. In the individual method of voting, cross-marks placed before the names of two candidates for the same office nullify the vote for that office, since it is impossible to determine which of the two candidates the voter intended to support. Where several candidates are nominated to fill vacancies in the same office, a cross-mark before the name of one of them is a vote against

all the other candidates for that office whose names are printed on the same horizontal line in other columns of the ballot, unless a cross-mark is also placed before the names of other candidates on the same line for whom the voter desires to vote. Therefore when more than one vacancy for the same office exists, the voter should indicate by cross-marks all the candidates for that office for whom he desires to vote, unless he votes a "straight ticket," when only the mark in the circle is necessary. Speaking generally, each cross-mark counts as a vote for the candidate before whose name it is placed, and the voter may thus vote for as many candidates as he desires to support. He is not compelled to vote for a candidate for each office to be filled unless he chooses to do so.

181. **Marks in Party Circles.** — If the voter makes a cross-mark in a circle at the head of a party column, he should not mark within the circle at the head of any other party column. Ballots marked in two party circles are counted only for candidates in one of the marked columns who happen to have no opponent in the other marked column. If each column contains a full ticket, the marks in the two circles nullify each other and render the ballot void. If a cross-mark is placed in a circle and the names of the candidates in the column beneath the circle are also marked,

the ballot will still be counted, although in such a case the mark in the circle is unnecessary.

182. **Illegal Markings.** — Aside from the names of candidates written in the "blank column," no other mark excepting a cross-mark in one of the circles at the head of a column and cross-marks in the blank spaces before the names of candidates in other columns can be placed upon the ballot without running the risk of nullifying it. Two straight lines crossing each other at any angle constitute a cross-mark. They should be wholly within the voting space. Ballots are thrown out in the count when one of the lines of the cross-mark is curved or has a flourish at the end, or when it extends beyond the outer line of the circle or square within which it is made. The purpose of these rules is to prevent a voter from agreeing to sell his vote and then furnishing proof, by marking his ballot in such a manner as to distinguish it, that he has carried out his agreement. While the courts hold that a ballot should be counted whenever it is possible to determine the intent of the voter, the law compels the rejection of any ballot which seems to indicate that in marking it the voter attempted to distinguish it from other ballots.

183. **Procedure after Marking.** — When the voter has marked his ballot, he must refold it as it was folded

when he received it, in such a manner as to conceal its face and to show the indorsement upon its back, so that the inspector may know that it is an official ballot. He must then leave the voting booth and hand the folded ballot to the inspector who has been chosen to receive it.

184. **Prevention of Substitution.** — The inspector must take the ballot and ascertain the ballot number on the stub. He must then announce the name of the voter and the number of the ballot; as, for example, "John Smith votes ballot number sixty-two." The poll-clerks must determine from the entry which they made in their books when the ballot was delivered to the voter whether the number on the ballot as read by the inspector corresponds to the number on the ballot delivered to him. This prevents the voter from substituting a ballot that has been prepared for him in advance and makes it certain that he himself has actually prepared the ballot while he was in the booth. If the numbers agree, the poll-clerks must inform the inspector of the fact. (§ 153.)

185. **Depositing the Ballot.** — After the identity of the ballot has been established the inspector must tear off the stub upon which the ballot number is printed. The removal of the stub prevents the ballot from being subsequently identified by its number. Without un-

folding the ballot or looking at its face, the inspector must place it in the ballot-box. The stub is placed in another box provided to receive detached stubs. The voter has then cast his ballot and he must immediately pass outside the guard-rail.

186. **Protection of Employees.** — Every voter is legally entitled to be absent for two hours from his employment on election day while the polls are open without loss of salary or wages. Employers are thus prevented from depriving their employees of their votes by keeping them at work until it is too late for them to deposit their ballots.

187. **Closing the Polls.** — Delivery of ballots to voters must cease at five o'clock in the afternoon; but voters who have received ballots at that hour are permitted to complete the act of voting before the polls are actually closed. As soon as the last ballot has been deposited in the ballot-box, the polls must be declared closed and the inspectors must forthwith proceed to canvass, or count, the ballots. The canvass must continue without interruption until the result has been proclaimed and the inspectors have signed the returns. The canvass must be made in public. The room in which it is made must be clearly lighted and its main entrance must be kept open so that all may enter. These precautions are intended to insure an honest

count. Removal of the statement of the result of the canvass from the polling-place before it has been signed is forbidden, and the election official who signs any statement of the result excepting in the polling-place immediately after the completion of the count is guilty of a felony and subject to imprisonment for from two to five years. This prevents the substitution of false returns.

188. **Precautions against "Stuffing."** — Before the canvass is begun the election inspectors must compare the two poll-books with the list of registered voters who have voted and ascertain whether they agree as to the number of persons who have voted and the number of ballots cast. The box containing the ballots which have been voted is then opened, and the ballots must be counted without unfolding them. If it is found that there are more ballots in the box than the number recorded in the poll-books as having been cast, all the ballots must be replaced in the ballot-box and one of the inspectors, standing with his back to the box, must draw out ballots until the number remaining in the box agrees with the number shown on the poll-books. The ballots drawn out in this manner must be destroyed without being unfolded. But if two or more ballots are found in the box so folded together as to present the appearance of a single

ballot, they must be destroyed when there are more ballots in the box than the poll lists show to have been cast. No ballot can be counted unless it bears the proper official indorsement upon its back. These provisions are intended to prevent "stuffing" the ballot-boxes.

189. **Separating "Straights" from "Splits."** — When the total of the ballots found in the box has been thus corrected, if it needs correction, the chairman of the board of inspectors must open the ballots and separate those containing only "straight tickets" from those containing "split tickets." Any person who marks, tears, or defaces a ballot during the count in order to cause its rejection is guilty of a felony, punishable by imprisonment of from five to ten years.

190. **Keeping the Tally-sheets.** — The straight tickets are first counted. Each of the poll-clerks must be provided with a "tally-sheet," with the names of all the candidates arranged as on the official ballot and with three blank columns after each column containing the names of candidates. One of these blank columns is for the count, or "tally," of the number of straight-ticket votes cast for each candidate; another is for the number of votes cast for each candidate on split tickets, and the third is for the total vote cast for each candidate. At the extreme right of the tally-sheet are four blank

columns in which are entered the number of blank votes cast for each office, the number of wholly blank ballots cast, the number of void ballots cast, and the total number of ballots accounted for. By this arrangement the total number of votes cast is checked in computing the vote cast for each office, and the totals as shown on the tally-sheet must agree with the total number of votes cast as shown in the poll-books and in the books of registry. (§ 153.)

191. **Announcement of the Result.** — The total of the straight vote for each party ticket must be entered on the tally-sheet after the name of each of the candidates in the appropriate party column. When the straight tickets have all been counted, the chairman of the board of inspectors must examine each of the ballots containing split tickets and announce the vote for each candidate on each ballot, the poll-clerks keeping the count upon the tally-sheets. When the split tickets have been disposed of, the blank and void ballots must be counted and the result entered on the tally-sheets. After the totals have been added, the poll-clerks must submit the tally-sheets to the inspectors for their approval and signature. The chairman of the board of inspectors must then proclaim the result of the voting, announcing the total number of ballots cast and the total vote for each candidate.

192. **Watchers may scrutinize Ballots.** — During the canvass of the vote, the inspectors are required to permit the watchers to examine any ballot, but in showing a ballot to a watcher, the inspector cannot permit it to be taken from his hands. If any election officer or watcher expresses the belief that a ballot has been marked for identification, the inspectors must write upon the back of the ballot the fact that objection has been made to it, giving the reasons for the objection. The votes contained in such "protested" ballots must then be counted, but the ballots must be kept separate from those which are not protested. "Void" ballots are ballots so marked or mutilated that under the law they cannot be counted. The inspectors must indorse upon the back of every void ballot their reasons for declaring it to be void.

193. **Statements of Election Officials.** — Signed statements must be prepared by the election officials at the conclusion of the canvass. They must account for all the ballots delivered at the polling-place before the opening of the polls, and they must give the vote cast for each candidate. The ballot-clerks must fill in and sign a "ballot return," showing how many ballots they had at the opening of the polls, how many were found to be mutilated or defectively printed, how many were spoiled by voters in the process of marking,

how many were voted, and how many are returned unused. They must also account for all the ballot stubs. The inspectors must fill in and sign a return known as an "original statement" of the result of the voting, giving the whole number of ballots voted, the number of blank and void ballots voted, and the number of ballots counted for one or more candidates. The inspectors are required also to make and sign a detailed statement of the number of votes cast for each candidate and the number of ballots protested as marked for identification. Finally, they must make a statement containing the names of all persons challenged and of all persons who received assistance in preparing their ballots. These various statements and returns are intended to prevent the inspectors from falsifying the result. Under a strict enforcement of the law it would be extremely difficult to change the figures without causing discrepancies that would indicate the fraud. Two certified copies of the "original statement" of the result must be prepared by the inspectors. (§ 197.)

194. **Preservation of the Ballots.** — The law is not content with the sworn accounting required of the election officials. It provides that the ballots themselves shall be preserved. When the canvass has been completed, all the ballots voted, excepting the void

and protested ballots, with a statement of their number, must be replaced in the ballot-box, which must be locked and sealed. The void and protested ballots must be placed in a package sealed with sealing-wax, and on the outside of this package the inspectors must make and sign a detailed statement of its contents. The ballot-boxes, containing the unquestioned ballots voted, must be sent to the Custodian of Elections, who is required to preserve them for six months after the election. The seals may be broken and the contents of the box examined only by order of a court or by a legislative committee on privileges and elections.

195. **Filing the Returns.**—The "original statement" of the canvass and the certified copies of it must be sealed in separate envelopes. The original statement, the ballot return prepared by the ballot-clerks, the package of void and protested ballots, the statement of challenged or assisted voters, the packages containing the unused ballots and the stubs of the voted ballots, and one of the tally-sheets, must be filed within twenty-four hours after the election with the county clerk of the county in which the election is held. The register of voters must be filed with the Custodian of Elections. One copy of the original statement of the canvass must be filed by the chairman of the board of inspectors with an official representing the

county board of canvassers, either a Supervisor or an Assessor. The other certified copy of the original statement, the two poll-books, and one of the two tally-sheets must be filed with the city clerk in cities, excepting New York City, where they are filed with the Board of Elections, and with the town clerk in towns.

196. **Recanvass of Ballots.** — In any election district where ballots have been protested, any candidate who has been voted for may apply to the Supreme Court within twenty-four hours after the election for a writ ordering the board of inspectors to recanvass the void and protested ballots, and the court must then decide as to each of the disputed ballots whether it shall be counted or rejected. The ballot-boxes containing the voted ballots regarding which there is no dispute can be opened in a suit to test the right of the successful candidate to hold office.

197. **Boards of Canvassers.** — Under the method of procedure which has been described the votes cast in each election district are counted and a return is made from each district to several designated officials. How many votes each candidate has received in the territory covered by his office remains to be determined. This computation is made by city, county, and State boards of canvassers. It is the duty of these boards to determine which of the candidates have received

a plurality of the votes cast and to issue to them the certificates of election which constitute titles to office. These boards base their computations upon the sworn statements made by the election officials and not upon the ballots cast, and therefore they are said to canvass "the face of the returns." (§ 193.)

198. **Correction of Clerical Errors.** — County boards of canvassers consist of the Supervisors elected in each county, excepting in the four counties included in the city of New York, where the office of Supervisor has been abolished. The boards of canvassers in these counties are made up of the Aldermen elected in each county. All county boards of canvassers are required to meet on the Tuesday following the election and the "original statements" of the votes cast in each election district in the county must then be produced before the board by the official with whom they were filed by the election inspectors. If the "original statement" cannot be produced, one of the certified copies may be used in its stead. If it appears that these statements contain clerical errors or omissions, the board may summon the election inspectors for the appropriate election district and cause them to rectify the mistake, but only in such a manner that it shall correctly state the result of the actual count made by the inspectors on election day.

199. **Certification by Boards of Canvassers.**—The county boards of canvassers must make separate statements of all votes cast for each office, as shown in the returns made by the inspectors of election, and they must determine which candidates have received the greatest number of votes for offices which cover territory wholly included in their respective counties, such as county offices. They must file a certified statement of their decision in the office of the county clerk for publication, and certified copies of their decision regarding each office must be sent to the successful candidate for that office. The county clerk, within five days after the statements have been filed in his office by the county canvassers, must make three certified copies of the vote cast for candidates for State office, excepting members of the Assembly, and transmit one copy to the Governor, one to the Secretary of State, and one to the State Comptroller. The Governor and the Comptroller, upon receiving their copies, must transmit them to the Secretary of State. If the Secretary of State fails to receive a copy of the returns from any county, he must send a messenger to obtain it. This prevents the returns from being held back for the purpose of changing them if it appears that a change will be sufficient to change the general result in the State. Within twenty days after the election each

county clerk must transmit to the Secretary of State a list of the candidates who are declared by the county canvassers to have been elected to offices covering territory wholly included within the county, and on or before December 15 following the election he must also transmit a complete statement by election districts of the official canvass of the votes cast in his county.

200. Certificates of Election. — The State board of canvassers consists of the Secretary of State, the Attorney-General, the State Comptroller, the State Engineer and Surveyor, and the State Treasurer, all of whom are elective officers. The board is called by the Secretary of State to meet on or before December 15 following a general election. It must then proceed to canvass the certified copies filed by the county clerks with the Secretary of State of the vote for State officers cast in each county. It must make a signed tabulated statement by counties of the vote cast for each candidate, declaring which candidates have been elected. The Secretary of State must issue certificates of election to the successful candidates, and also certify to the House of Representatives the election of Representatives in Congress. The Secretary of State is required to make a record of the names of county candidates who have received certificates of election from the boards of county canvassers.

201. **Certification of City Officers.** — County boards of canvassers, excepting in the city of New York, are directed to canvass the votes cast for city officers within their respective counties. In New York City the county clerks must certify the vote cast for city officers in their respective counties to the Board of Elections, which must canvass the statements and declare the result, stating the vote by counties for each candidate and transmitting certificates of election in accordance with its declaration.

202. **Amendments to the Constitution.** — Proposed amendments to the State Constitution, after having been approved by two different legislatures, are submitted to the voters upon official ballots resembling the ballots containing the names of candidates for office. Each proposed amendment is printed separately and preceded by two blank squares, one for an affirmative vote and one for a negative vote. The ballots have stubs numbered to correspond to the numbers on the stubs of the official ballots for candidates. These ballots are deposited in a separate box and they are cast, counted, and canvassed with the ballots for candidates and in the same manner. The same method is used in submitting other questions which are required to be submitted to the voters.

CHAPTER VII

INDIRECT ELECTIONS

203. Highest Offices not filled by Direct Vote. — The highest offices in the national government are not filled by direct vote. The President and Vice-President are chosen by the Electoral College; United States Senators are elected by the legislatures of the States, and the judges of the United States Supreme Court are appointed by the President with the consent of the Senate. (§§ 11–12.)

204. The Presidential Term. — Presidential elections occur in each year which is divisible by four. Only native-born American citizens, thirty-five years old, who have lived fourteen years in the United States are eligible to the Presidency or the Vice-Presidency, and the President and Vice-President cannot both be chosen from the same State. It was proposed at first to make the President's term seven or six years, with ineligibility for reëlection. The four-year term was finally agreed upon and no reference to reëlection is made in the Constitution. Washington and Jefferson set the example of retiring from office after

having served two terms, and the defeat of Grant's candidacy for a third term in 1880 has made the two-term limit an unwritten law.

205. Election of the President. — Although the names of the party candidates for President and Vice-President appear upon the ballots, the voters do not vote for them but for Presidential Electors, whose duty it is to elect them. The framers of the Constitution did not deem it wise to leave the choice of the President to the mass of the voters, because they feared that the voters were not sufficiently conservative and intelligent to make a judicious choice. Their distrust has been corrected by custom and precedent, but it is still possible for a Presidential candidate to be the choice of a majority of all the voters participating in the election and yet suffer defeat.

206. The Electoral College. — Various plans were proposed for the election of the President without resort to a direct vote. It was suggested that the election be left to the Congress, but the constitutional convention was unwilling to adopt this idea because it would make the chief executive subordinate to the legislative body. The plan of leaving the election to the State legislatures was also rejected. The convention finally decided to create an Electoral College, containing as many Electors as there are Senators

and Representatives in Congress, on the theory that such a body would represent the best intelligence of the Nation. Party organization was then in embryo. The national party convention had not yet come into existence and there was no recognized method of designating party candidates. The election turned upon the qualifications of the individual candidates rather than upon the principles and doctrines of the parties to which they belonged. The Electors, therefore, were left free to exercise their own judgment in casting their votes for the two highest national offices.

207. Election by the House. — It was provided that if no candidate received a majority of the votes in the Electoral College, then the House of Representatives should elect, its members voting by States and each State having one vote. The choice of the House, however, was limited originally to the five, and after 1804 to the three, candidates who had received the highest number of votes in the Electoral College.

208. First Contest for the Presidency. — The Constitution originally required each Elector to vote for two candidates for President and the candidate who received the most votes was declared elected President, while the candidate who received the next highest number of votes was declared elected Vice-President.

This plan gave the strongest candidate in the Electoral College the Presidency and his foremost competitor the Vice-Presidency. It was very likely that the two men would hold opposing political views, so that, in effect, the majority party elected the President and the minority party the Vice-President. In case of the death of the President while in office, the majority party would have been compelled to give way to the minority, since the Vice-President would succeed to the Presidency. The adoption of this plan could have been possible only at a time when men were considered rather than parties, when parties had not begun to formulate their principles in national "platforms," and when the offices within the appointing power of the President were not used to build up party organizations upon the plan of the "spoils system." George Washington was twice elected President by practically unanimous consent. The Federalists in 1796 united upon John Adams for President and Thomas Pinckney for Vice-President, while the Democratic-Republicans selected Thomas Jefferson for President and Aaron Burr for Vice-President. There were 138 Electors in the Electoral College and each of them voted for two candidates for President. The result gave Adams seventy-one votes, Jefferson sixty-eight, Pinckney fifty-nine, Burr thirty, Samuel Adams fifteen,

Oliver Ellsworth eleven, George Clinton seven, John Jay five, James Iredell three, George Washington two, John Henry two, Samuel Johnson two, and Charles C. Pinckney one. John Adams was elected President and Thomas Jefferson, his great rival, was made Vice-President. This was the first Presidential election in which there was a contest.

209. **Plan of Election Changed.** — In the next Presidential election, in 1800, the two parties put forward the same candidates as before and the members of the Electoral College for the first time voted by parties. Jefferson and Burr each received seventy-three votes, the full strength of the Democratic-Republicans. Adams received sixty-five votes, and Pinckney sixty-four, one Federalist Elector voting for John Jay so that Adams might have one more vote than Pinckney and thus be entitled to the Presidency if the Federalists should win. The Democratic-Republicans had not taken this precaution and therefore there was a tie vote between their two candidates, Jefferson and Burr, for the Presidency, although they had intended to elect Burr to the Vice-Presidency. Because of this tie, the election was thrown into the House of Representatives, where, after thirty-six ballots, ten States voted for Jefferson and four for Burr. The Constitution was then amended so as to provide for the election of

the President and the Vice-President by separate ballots for each office.

210. **Jackson's Defeat.** — In the Presidential campaign of 1824 Andrew Jackson, John Quincy Adams, Henry Clay, and William H. Crawford were candidates for President. John C. Calhoun was chosen Vice-President by the Electoral College, but none of the Presidential candidates had a majority of the Electors, the vote being: Jackson ninety-nine, Adams eighty-four, Crawford forty-one, and Clay thirty-seven. The election of the President, therefore, was again thrown into the House of Representatives and Adams was elected by a majority of the States, receiving thirteen votes to seven for Jackson and four for Crawford. Clay had been dropped because he was not among the first three in the Electoral College.

211. **The 1884 Campaign.** — The closest Presidential election was that of 1884, when Grover Cleveland, Democrat, defeated James G. Blaine, Republican. The popular vote for the Presidential Electors nominated by the Democrats was 4,854,986, while the Electors nominated by the Republicans received 4,855,011 votes. Blaine, therefore, had twenty-five votes more than Cleveland in a total vote of the parties whose candidates they were of 9,709,997. In the Electoral College Cleveland had 219 votes and Blaine 182.

This was due to the fact that the Democratic Electors carried New York State by a plurality of 1149 in a total vote of the two great parties in the State of 1,125,159. This gave Cleveland the thirty-six Electoral votes of the State. The result of this election demonstrated the importance of preventing fraud in the casting and counting of the votes and gave a powerful impetus to the passage of election reform laws. A change of only 575 votes from the Democratic to the Republican side would have changed the result.

212. **Popular Decision Reversed.** — Although Cleveland received a plurality of the popular vote in 1888 he was defeated by Benjamin Harrison, Republican. The total vote for the Democratic Electors was 5,540,329, and for the Republican Electors 5,439,853. The Democratic Electors thus received 100,476 more votes than the Republican Electors, but the thirty-six Electoral votes of New York State again decided the result. The Republican Electors carried the State by a plurality of 13,002 in a total vote cast by the two parties of 1,284,516, and in the Electoral College Harrison had 233 votes to 168 for Cleveland.

213. **Roosevelt's Plurality.** — When Roosevelt defeated Parker in 1904, the Republican Electors received a plurality of 2,541,296 over the Democratic Electors. This was the largest plurality ever given in a Presidential contest.

214. Election of Electors. — There is no general law regulating the election of Presidential Electors. The Federal Constitution says that: "Each State shall appoint, in such manner as the legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress." Under this permission some of the States passed laws providing for the choice of Electors by the legislature, while other States chose them by popular vote. All of the States, with the exception of South Carolina, abandoned the legislative election of Electors after 1824, but South Carolina continued it until the Civil War. In many of the States before 1832 Electors corresponding to Representatives in Congress were chosen by Congressional Districts, while the two Electors corresponding to the two United States Senators were elected "at large" by the voters of the entire State. Under this method it was possible for the Electoral vote of a State to be divided in the Electoral College according to the political complexion of Congressional Districts. Michigan is the only State which has followed this plan in recent years. It gave Cleveland five Electoral votes in 1892 and Harrison nine. The rule now generally accepted is to nominate all the Electors in a State convention, distinguishing the two Electors-at-Large from

the District Electors. The list thus nominated by each party is printed on the official ballot beneath the names of the candidates nominated by the national convention of the party for President and Vice-President, who cannot be voted for directly. It is usual for a voter to say that he cast his ballot for this or that candidate for President when, as a matter of fact, he actually voted for the Electors named by the party whose candidate for President he supported.

215. **Division of Electors.** — Even when the Electors are voted for by all the voters in a State, it is still possible that they may be divided by party lines. In counting the votes cast for Electors, the individual candidates are declared elected in the order of the number of votes each has received until the number of Electors to which the State is entitled in the Electoral College is complete. While the Electors nominated by a party in a State are usually either elected or defeated in a body, the scratching of tickets may divide the Electoral vote of a State. For example, if a State is entitled to ten Electoral votes, the majority party may elect nine of its candidates for Electors while the tenth, either because of his unpopularity or the popularity of one of the candidates on the minority party ticket, may be defeated.

216. **How the Electors Vote.** — There is no general

assemblage of the Electoral College. The Constitution provides that the Electors shall meet in their respective States and vote by distinct ballots for President and Vice-President, making separate certified lists of all persons receiving votes for each office and the number of votes received by each candidate. These lists must be sent sealed to the President of the Senate who must break the seals in the presence of the Senate and the House of Representatives, and the votes must then be counted. The candidates for President and Vice-President who are found to have received a majority of all the Electoral votes are declared elected. If no candidate for President has received such a majority, the members of the House of Representatives must immediately proceed to choose a President from among the three candidates having the largest number of Electoral votes. The vote of the House must be taken by States and a majority of all the States is necessary to a choice. If no candidate for Vice-President has a majority of all the Electoral votes, the Senate must choose as Vice-President one of the two candidates who have received the highest number of Electoral votes and a majority of all the Senators is necessary to a choice.

217. **Party Obligation of Electors.** — The growth of party power and influence has destroyed the freedom of

choice which was left to the Electors by the Constitution. The Electors are now regarded as mere representatives of the party which chose them, bound to vote for the candidates for President and Vice-President nominated by that party. There is nothing in the law to prevent an Elector from voting for any candidate, but the moral obligation to vote only for the candidates of his party is so strong that it is never broken.

218. **Election by Commission.** — No provision was made in the Constitution for the settlement of controversies over the choice of Electors. This omission led to a dangerous crisis after the Presidential election of 1876, when Samuel J. Tilden was nominated by the Democrats and Rutherford B. Hayes by the Republicans. It was conceded that Tilden had received a popular plurality of more than 250,000 votes, but the returns from several of the States were disputed, each party claiming the Electors and each sending the vote of its Electors to the President of the Senate. The Democrats had a majority in the House and the Republicans in the Senate, so that neither party was able to have its return from the disputed States declared valid. It was finally decided to refer the controversy to a "Returning Board" or Electoral Commission, consisting of five Senators, five Representatives, and five Judges of the United States Supreme Court. This

Commission decided that Hayes had carried Florida by a plurality of 926 and Louisiana by a plurality of 4627. The Supreme Court of Florida had given Tilden a plurality of 94 in that State and the face of the returns in Louisiana, it was asserted, gave Tilden 5303 plurality. The Electoral votes of these two States, however, were counted for Hayes, giving him 185 Electoral votes and Tilden 184. The count was not completed until two days before March 4, 1877, when the new President was to be inaugurated. The Democrats insisted that the election had been stolen from them and there was talk of using force to prevent the inauguration of Hayes. Tilden counselled submission and the excitement died away; but the Democratic party has always since alluded to the election of Hayes as "the Crime of '76."

219. **The Electoral Count Act.** — To prevent the recurrence of such a controversy Congress passed an Act in 1887 which is known as the Electoral Count Act. It provides that the Electors shall meet in the several States and cast their ballots on the second Monday in January following their election. In case of a dispute in any State a decision reached in accordance with any law of the State existing at least six days before the time set for the meeting of the Electors shall be binding. The Governor of each State is required, as soon as practicable after Electors have been chosen and con-

tests have been decided, to forward to the Secretary of State of the United States the certificate of their election, and the Governor must also provide the Electors with three similar certificates, one of which must be transmitted by the Electors to the President of the Senate. Congress is required to be in session on the second Wednesday in February following each national election. Both Houses must meet in joint session, presided over by the President of the Senate, who must open the sealed returns of the Electoral vote from each State in alphabetical order. The vote must be canvassed by four tellers, two appointed by the Senate and two by the House, and the result announced. One Senator and one Representative may object in writing to the reception of the return from any State. Objections must be considered by each House separately, and no return given by duly certified Electors in a State from which only one return has been received can be rejected; but the two Houses concurrently may reject a return made by Electors whose appointment has not been certified. If two returns are received from the same State, the return made by the certified Electors must be counted. Should there be a dispute regarding the legality of the certification or of the vote cast by the Electors, Congress may decide by concurrent vote which return is valid, and if the two Houses cannot

agree, preference shall be given to the vote cast by the Electors whose appointment was certified by the Executive of the State under the State seal. When objection has been made to the return from a State, it must be disposed of before the count can continue. No debate is permitted in the joint session, and when objections are being considered by the Houses separately each Senator and Representative is permitted to make only one speech limited to five minutes. Debates cannot last longer than two hours. The joint session cannot adjourn until the count is completed and the result has been declared; but if a question of procedure under the act has arisen, a recess may be taken until ten o'clock in the morning of the next day. Not even a recess is permitted, however, if the count has not been completed on the fifth day after it began. The announcement of the result by the President of the Senate constitutes the declaration of the result of the election.

220. **Direct Vote for President.** — There has been more or less agitation, especially during the last few years, for a change in the Constitution which will abolish the Electoral College and provide for the election of the President and Vice-President by direct vote. It is not probable that the change will be made, at least in the near future, because it would necessitate uniformity in the qualifications prescribed for voters, and the

diversity of opinion on this subject in the various States seems too great to be reconciled. The East would be reluctant to accept the wide latitude granted in the West, and the North would hardly agree to the property and other qualifications adopted in the South to prevent "negro domination."

221. **Election of United States Senators.** — The Constitution provides that United States Senators shall be chosen by the legislatures of the States for periods of six years, and that no candidate shall be eligible unless he is thirty years old and has been for nine years a citizen. Each Senator must be an inhabitant of the State from which he is sent. The times, places, and manner of choosing Senators and Representatives in Congress were left to the decision of the legislatures; but the right to regulate them by law, excepting the places for choosing Senators, was reserved to Congress. Under this reservation Congress passed a law in 1866, providing for the election of Senators. The last legislature elected before the expiration of a senatorial term in any State is required to meet for the purpose of electing a new Senator on the second Tuesday following its organization. Each branch of the legislature must assemble separately and every member must openly name his choice. The name of the candidate receiving a majority of the vote cast in each branch must be

entered on the journal, and if either branch fails to give any candidate a majority, that fact must be entered upon the journal. On the following day, at noon, the two branches of the legislature must meet in joint session and the journals must be read and compared. If they show that the same candidate has received a majority of the votes in both branches, he must be declared elected; but if not, the joint assembly must proceed to vote. The candidate who receives a majority of the joint ballot, a quorum being present, is declared elected. If no candidate receives a majority, the legislature must meet in joint session every day at noon until the legislature finally adjourns and take at least one ballot. The same procedure is prescribed for filling vacancies in the office of Senator. The Governor is required to certify the election of Senators to the President of the Senate under the seal of the State.

222. **Appointment of Senators.** — When a vacancy occurs in the office of Senator while the legislature is not in session, the Governor may appoint a Senator to serve until the legislature meets; but the Senate has refused to admit Senators appointed after the legislature has failed to fill a vacancy.

223. **Election controlled by the Machine.** — The election of Senators by the legislature nearly always insures the choice of the candidates favored by the

Machine of the political party dominant in the State. The members of the legislature, nominated and elected by the Machine and held together by the party caucus, vote for the candidate designated by the Machine. It has happened repeatedly that the men sent by the legislature to represent a State in the Senate would have had no chance of election if the choice had been made by direct vote. The party "boss" himself often claims the office as a perquisite. If he does not care for it, he is likely to bestow it upon some rich man who represents the corporate interests which are the heaviest contributors to the campaign funds collected and expended by the Machine. More than once the possessor of a fortune has boldly purchased a Senatorship by bribing enough members of the legislature to elect him.

224. Election of Senators by Direct Vote. — These conditions have led to frequent and urgent demands for the amendment of the Constitution so that the voters instead of the legislature may elect the Senators. Such amendments have been passed several times by the House of Representatives, but they have never received the approval of the Senate for obvious reasons. As a halfway measure, political parties in some of the States have adopted the rule of proclaiming their candidate for Senator before the legislature which is to elect

him is chosen. This gives the voters a chance to pledge candidates for the legislature in advance and to elect only those who will promise to support the senatorial candidate of their choice. A still nearer approach to the election of Senators by direct vote is obtained by the nomination of senatorial candidates in Primary elections, which is the rule in Nebraska and in many of the Southern States. Where one party is in a large majority, such a nomination is equivalent to an election, and the Primary campaign is often fought with all the spirit that usually enters into a regular election.

225. **Indirect Election of State Officers.** — The legislature may also elect State officers. In New York, Regents of the State University and the Commissioner of Education are elected by the same method that is used in the election of United States Senators.

CHAPTER VIII

BRIBERY AND INTIMIDATION

226. The Corruption of Voters. — In a government founded upon the rule of the majority it is essential that the voters should be free to give untrammelled expression to their wishes. (§ 1.) If this freedom does not exist, there can be no certainty that the result of an election actually expresses the will of the voters, and the government is in danger of being perverted at its source. The laws regulating the preparation and casting of the ballots seek to protect the voter from interference, intimidation, or coercion of any kind at the polls. (§ 7.) These laws have been found insufficient to insure freedom of choice, and it has been necessary to supplement them by a series of statutes known as "Corrupt Practices Acts," which forbid and punish the purchase of votes and the intimidation of voters.

227. Laws not Enforced. — These acts punish the corrupt use of money in elections with very severe penalties, including forfeiture of office, loss of the right to vote, fine, and imprisonment; but they have not been effective in preventing corruption, and there is

no State in which votes are not bought and sold with impunity. This arises from the fact that the laws are not enforced. With the elections largely under the control of the political Machines, both of which are usually guilty of a greater or less degree of corruption, there is no active agency to compel the observance of the law forbidding bribery. The prosecuting officers are often themselves beneficiaries of vote-buying and, if not, their loyalty to the Machine binds their hands. (§ 6.) Probably nothing short of a non-partisan vigilance committee, backed by public sentiment, could bring about the enforcement of the statutes. Such committees have proved effective in restricted communities where conditions have become especially flagrant. (§ 280.)

228. **Business and Politics.** — Corporations, and especially public service corporations, are the worst offenders against the freedom of the voter. These corporations are open to attack from public officials who are partisans and from partisan legislative majorities. When the party Machine makes a demand upon them for money for its campaign, the request carries with it an implied threat of reprisal in case the demand is refused and an implied promise of favor if a liberal contribution is made. If there happen to be rival corporations in the same field, they are likely to bid against each

other in the size of their campaign donations and they usually give to both the Machines. The money thus contributed, of course, legally belongs to the stockholders, whose consent is not asked when the contributions are made.

229. **Assessment of Candidates.** — Enormous funds collected from corporations are swelled by assessments upon candidates and upon office-holders. The assessment upon candidates, when well established in custom, practically places a property qualification upon office-holding, since the man who cannot afford to pay the assessment is debarred from nomination. It is also a direct incentive to dishonesty in office because the candidate who has paid an assessment naturally seeks to reimburse himself after his election.

230. **Corporations forbidden to Contribute.** — In order to break the connection between corporations and political Machines, New York State in 1906 placed a law upon its statute books forbidding all corporations, excepting corporations organized for political purposes only, such as political clubs, to make any political contributions. It provides that any officer or agent of a corporation who makes such a contribution, or who consents to it, shall be punished by imprisonment for not more than one year and also by a fine of not more than $1000.

Following the example set by New York, Congress in 1907 passed a bill which is now a law, forbidding National banks or other corporations doing business by the authorization of Congress to make any political contributions and forbidding any corporation to make a contribution in a Congressional or Presidential election. Violations of this law are punishable by a fine of not more than $5000 for corporations, and by a fine of from $250 to $1000, or imprisonment for not more than one year, or both, for officers or directors of corporations.

231. **Vote-buying in New York.** — In New York State very severe laws intended to prevent the corruption of voters are contained in the Penal Code. They seem amply sufficient to prevent or punish illegal practices; and yet in no State is the purchase of votes more generally countenanced, while the enforcement of the penalties provided by the Code is so rare as to excite remark when it is attempted. A striking indication was recently given of the ineffectiveness of the law. In the city of Elmira the habitual purchase of votes, sometimes as high as $40 each, had become so heavy a charge upon the party organizations that the Republican and Democratic Machine leaders attempted to put an end to it, not by enforcing the law, but by signing a formal agree-

ment limiting the sum to be expended for campaign purposes to $40 for each election district. (§ 281.)

232. **Entertainment of Voters Forbidden.** — The New York law forbids any person to give or cause to be given, directly or indirectly, or to pay for either wholly or in part, any meat, drink, tobacco, refreshment, or provision to any other person in connection with or in respect of any election, excepting as part of the travelling expenses of candidates, political agents, committees, or public speakers. If rigidly enforced, this provision would abolish the "campaign cigar," and thus put an end to a time-honored American joke. The punishment for a first offence is imprisonment for not more than one year, or a fine of $500, or both, and a second offence constitutes a felony. (§ 255.)

233. **Use of Money Restricted.** —Money may be used under the New York law in connection with elections only for the following purposes: —

Rent of halls and compensation of speakers, music and fireworks for public meetings, and expenses of advertising the same, together with the usual and minor expenses incident thereto;

The preparation, printing, and publication of posters, lithographs, banners, notices, and literary material;

The compensation of agents to supervise and prepare articles and advertisements in the newspapers, to exam-

ine questions of public interest bearing on the election, and report on the same;

The payment of newspapers for advertisements, pictures, reading matter, and additional circulation, and the preparation and circulation of circular letters, pamphlets, and literature bearing on the election;

Rent of offices and club rooms;

Compensation of such clerks and agents as shall be required to manage the necessary and reasonable business of the election and of attorneys at law for actual legal services rendered in connection with the election;

The preparation of lists of voters;

Payment of necessary personal expenses by a candidate;

The reasonable travelling expenses of the committeemen, agents, clerks, and speakers, postage, express, telegrams, and telephones;

The expenses of preparing, circulating, and filing a petition for nomination;

Compensation of and food for poll workers or watchers, and election officers;

Hiring of carriages for conveying electors to the polls, not exceeding three carriages for each election district in a city and not exceeding six carriages in any other election district;

The actual necessary railroad travelling expenses for transportation of voters to and from their places of residence for the purpose of voting.

The payment, loan, promise, or offer of money for any other purpose than those specified constitutes a misdemeanor. (§ 249.)

234. **Indirect Bribery.** — Bribery is by no means confined to the direct purchase of voters. Where the secret ballot is used, the vote-buyer cannot be certain that he is getting his money's worth without collusion on the part of the election officials who must mark the ballot voted by the "floater" in such a way that it can be identified in the count. It is possible to promote the election of a candidate by bribing voters of the opposite party to refrain from registering or voting. On the other hand, the vote for a candidate may be increased by rewarding the adherents of the party which nominated him for registering or going to the polls to vote. The same result may be brought about by paying voters to aid in obtaining a large vote for one candidate or a small vote for another. The inducement in any of these cases may be a money payment or a promise of money or of appointment to office. Such agreements are forbidden by the law. Persons participating in them are guilty of a felony, punishable by imprisonment for not more than five years, forfeiture

of any office to which they have been elected in the election during which the offence was committed, and disqualification for holding office for five years after conviction. If the offender is a voter who accepts money, or permits himself to enter into any agreement regarding the nature of his vote, or any agreement for voting or failing to vote, he is declared to be guilty of a felony and is excluded from the right of voting for five years after his conviction. The name of the offender must be filed in the office of the clerk of each county in the State, with a copy of the record of the conviction.

235. **Broad Scope of the Law.** — These provisions of the law include every person who gives or lends money either directly or indirectly, for the bribery of voters, or who offers to do so, or who reimburses any person for money spent for bribery. They also include every person who gives or offers to give, or to procure or to endeavor to procure any office, place, or employment to or for a voter, for the purpose of influencing his vote.

236. **Witnesses compelled to Testify.** — No person who has been concerned in the bribery of voters and who is summoned as a witness may refuse to testify on the ground that his testimony might incriminate or degrade him. He must tell all he knows; but his testimony cannot afterward be used against him nor can he be

prosecuted for any share he may have had in a violation of the law regarding which he has given evidence.

237. **Intimidation Prohibited.** — The law also forbids the intimidation of voters. This method of influencing votes was most frequently used by employers who were accustomed to warn or threaten their employees that the election of one candidate or party ticket would be to their advantage, while the triumph of the opposing candidate or ticket would result in a decrease of business and a reduction of wages. No person or corporation is permitted to use force, violence or restraint, threats, fraudulent device or intimidation to influence any voter in the exercise of his right to vote. No employer of labor is permitted to use "pay envelopes" upon which is printed any political motto or argument calculated to influence the political opinions or actions of employees, or within ninety days of the election to display in his establishment any handbill or placard containing the information that if any particular candidate or ticket is elected or defeated, there will be less work or lower wages. Violation of these provisions constitutes a misdemeanor.

238. **Coercion of Soldiers.** — Because of the authority given to officers in the military service over the enlisted men it is easy for them to practise intimidation or to punish the men for refusing to be coerced into voting

for this or that ticket. The law provides that any attempt to control the votes of enlisted men or to injure them for the way in which they voted is a misdemeanor. Any person who is found guilty under this provision may be punished whenever he is found within the State, and conviction disqualifies him from holding office in the State.

239. **Conspiracy a Crime.** — If two or more persons conspire to influence the result of the election by the employment of any means prohibited by law, and anything is done by either or any of them in accordance with their conspiracy or agreement, all of them may be punished by imprisonment for not more than one year. Conspiracy constitutes a distinct offence, and persons participating in conspiracies may also be punished for any specific violation of the election law that they may commit.

240. **Assessment of Office-holders.** — The levy or collection of political assessments upon employees in the public service is expressly forbidden. These assessments are usually laid on the basis of a certain percentage of the salary paid to the employee, the amount ranging commonly from three to ten per cent of the annual salary. Refusal to pay is likely to be punished by dismissal or some other mark of disfavor, and the employee is well aware of what is in store for him if he

declines. Until within recent years it was the custom for the official charged with the duty of paying salaries to deduct the campaign assessment when the payment was made, usually a month before election day, and to turn the proceeds of the levy over to the campaign committee of the party in power. The exaction of such a contribution in a large city where millions of dollars are paid in salaries yields a very great sum.

241. **Assessment Forbidden.** — In order to prevent such demands the law provides that no public officer of the State, or of any county, town, city, or village, shall either pay or promise to pay a political assessment, or use his authority to compel or induce any such promise or payment. Every official having charge of a building, room, or office is forbidden to permit any person to enter for the purpose of collecting campaign funds, or to prepare or present any list of assessments upon employees. An offence against these provisions is a misdemeanor.

242. **The "Spoils System."** — Another provision of the New York law seeks to annul the political doctrine that "to the victors belong the spoils." It prohibits any official or any candidate for office from promising to use, either directly or indirectly, any authority that he may possess to procure any nomination, appointment, increase of salary, confirmation, or promotion, upon condi-

tion that the vote or political influence of the recipient shall be used in behalf of any candidate or party ticket. This offence is punishable by imprisonment for not more than two years, or by a fine of not more than $3000, or by both fine and imprisonment. (§ 103.)

243. **Sale of Office.** — The sale of nominations and appointments to office is forbidden. No person is permitted to procure or to offer to procure any nomination or appointment, or to accept a nomination or appointment, in return for any valuable consideration. No gift, promise, or contribution may be given or received for an appointment, election, promotion, privilege, increase of compensation, or immunity from removal. The punishment for an offence against this provision of the law is imprisonment for not more than two years, or a fine of not more than $3000, or both. Any person other than the authorized representative of the political organization to which a candidate belongs, who solicits money from him, is guilty of a misdemeanor.

244. **Statements by Candidates.** — The New York law requires candidates to make sworn statements of their expenditures and limits the amounts which they may spend in aid of their election. The maximum expenditures permitted by the law are as follows: —

For the office of Governor, $10,000. The Governor's salary is $10,000.

For any other State office, excepting a judicial office, $6000. The salary of the elective State officers, other than the Governor and Judges of the Court of Appeals, is $5000.

For the office of Representative in Congress or Presidential Elector, $4000. The salary of Representatives in Congress is $5000. Electors receive no compensation.

For the office of State Senator, $2000. The salary of Senators is $1500.

For the office of Member of the State Assembly, $1000. The salary of Members of the Assembly is $1500.

For any other elective office to be filled by the voters of a county, city, town, or village, $500 if the total number of votes cast in the District in the last preceding gubernatorial election was 5000 or less, and $3 additional for each 100 votes cast in excess of 5000.

That these limitations were needed was shown by the fact that the Democratic candidate for Governor in the State election of 1906 spent $256,370 in the election. One of the candidates for State Senator spent $30,000 to win.

The law provides that any candidate who shall exceed the legal limit of expenditure shall be guilty of a misdemeanor. There is no limitation upon the expenditure

of candidates for the office of United States Senator. (§ 259.) Every candidate for office, within ten days after the election, is required to file a sworn statement showing in detail all the money that he has contributed or expended in aid of his election. This statement must give the names of the persons who received the money and the purpose for which it was contributed or expended. Candidates voted for in more than one county must file these statements with the Secretary of State. Candidates for county, town, city, or village offices must file their statements with the county, town, city, or village clerk, as the case may be. Neglect or refusal to file this statement is punishable by forfeiture of office and also as a misdemeanor. (§ 250.)

245. **Naturalization Frauds.** — One of the most flagrant election evils, especially in the large cities, is the procurement of fraudulent naturalization for the purpose of giving the ballot to aliens who are not legally entitled to it. Not only have thousands of fraudulent votes been manufactured in this way, but valid naturalization papers are often sold by foreign-born citizens returning home, to other foreigners newly arrived who vote under them by assuming the name of the man to whom they were originally granted. The candidates of the political party whose agents aid in these frauds naturally receive the votes of the beneficiaries of them.

To check this abuse the New York law forbids any person to procure from any court a fraudulent naturalization with the intent of enabling himself or any other person to vote, or to present to any election officer or other official a certificate of naturalization fraudulently obtained. Violation of this provision constitutes a felony. (§ 24.)

246. **Federal Naturalization Law.** — So gross and notorious did the naturalization frauds become in many of the States that the national government was at last forced to attempt to check them. Congress in June, 1906, passed a bill creating a Bureau of Immigration and Naturalization in the Department of Commerce and Labor, and giving it general supervision of all naturalizations. The provisions of this law have already been described. (§§ 19–26.) One of the strongest arguments advanced in support of the new national law was drawn from the fact that the United States, in seeking to protect naturalized citizens abroad, has often been humiliated by the discovery of the fact that the supposed citizen had been fraudulently naturalized with the connivance of politicians and the courts.

247. **Distribution of Campaign Funds.** — In general practice no check is placed upon the collection and expenditure of campaign funds. Enormous sums are contributed and disbursed in every State and national

election. There is no means of knowing how much is collected in any one election or how it is spent. No record is kept of receipts or disbursements. In national elections, the national party committees have a fund, the State committees another, and the various county committees another. The national committees spend a certain amount directly and make an allotment to the State committees. The State committees, in turn, pay the expenses of their general campaign and divide a portion of their funds among the county committees. The county leaders distribute funds among the Assembly or election district committees. In the larger cities this money goes to the Assembly District leaders, who divide it among their election district captains. This final distribution is made within forty-eight hours of election day.

248. **How the Money is Spent.** —The election district captain sometimes pockets a part or all of the money that he receives and that is the end of it so far as the election is concerned. If he is "honest," he uses the money to influence voters, either by buying their votes outright or in some more roundabout way. A favorite device in the rural districts is to hire men who own teams to "convey electors to the polls," which is permissible under the law. The horses, however, are often not taken out of the barn and their owner understands perfectly that

the money advanced for their hire has actually been paid to him for his vote. In a similar manner large sums are paid in cities to men who are supposed to "work at the polls," but whose only work consists in voting the ticket of the party whose agents hired him. How much money has been collected and spent in an election is one of the most carefully guarded secrets of the campaign managers. The reason for this mystery is that if the truth should be told, there would certainly be a public demand for information as to where the money had come from and how it had been spent. In several of the States this demand has already been made with such persistence that laws have been passed to satisfy it.

249. **Expenditures by Committees.** — In New York State the Penal Code prohibition of bribery and intimidation and the requirement compelling candidates to file statements of their contributions and expenditures having failed to prevent corruption (§§ 233, 244), the Legislature of 1906 supplemented them by a new statute. This took the form of an amendment to the Election Law and it was modelled on similar laws of Massachusetts and Connecticut, which were adaptations of the Corrupt Practices Acts of Great Britain and her colonies. This new law seeks to combat bribery by compelling the Machines themselves to make a complete accounting

of all campaign expenditures. It defines a "political committee" as any combination of three or more persons to promote the success or defeat of any party or candidate in an election. Every political committee must have a treasurer, whose name and address must be filed in the office of the Secretary of State and who must keep a detailed account of all money received or promised and of all expenditures made under the authority of the committee. Every payment of more than five dollars to any one person must be vouched for in a detailed receipt which must be preserved for fifteen months after the election. The treasurer of each committee, within twenty days after the election, must file a statement showing in detail all the receipts and expenditures or liabilities incurred by the committee. The statement of receipts must contain the name of the contributor and the date of each contribution, and no indirect contribution is permitted to be made or received. The statement of expenditures must contain each payment greater than five dollars to any one person or committee, the name of the person or committee to whom it was made, and, unless it was made to another committee, a clear statement of its purpose. All statements must be filed with the Secretary of State upon blanks furnished by him, and all statements, vouchers, and receipts must be open to public inspec-

tion. Every contributor who does not make his contribution to a political committee or to a candidate must file a statement similar to that required of a political committee and must obey the rules laid down for such a committee.

No person is permitted to make a contribution to a candidate or to a political committee under any name other than his own. Whoever, by authority of a political committee or a candidate, receives money or incurs a liability must furnish a detailed accounting of it within three days after demand and must in any event file an accounting within fourteen days after the receipt of the contribution or the incurring of the liability. Such statements become a part of the prescribed records of the political committee or the candidate.

250. **Personal Expenses.** — A candidate or any other person interested in an election may pay money personally for the payment of his own travelling expenses, for the preparation and circulation of any letter, circular, or other publication not issued at regular intervals setting forth his position and views on public questions, and for stationery, postage, telegraph, telephone, and messenger service. No statement need be made of these "personal" expenditures (§ 244), but candidates must state all contributions made by them.

251. **Judicial Inquiry and Penalties.** — If any com-

mittee or person fails to make the required statement, or if the statement filed is false or defective, the Supreme Court may compel obedience by a summary order as in contempt proceedings. The applicant for such an order must present to the court a petition setting forth his reasons, and unless the applicant is the Attorney-General, he must file a bond sufficient to cover the costs of the proceeding in case the decision is in favor of the defendant. The Attorney-General, any candidate voted for in the election, or any five qualified voters, may petition for an order within fifteen days after the filing of the required statement. The court must proceed without delay to inquire whether the allegations contained in the petition are true, and the case, together with any appeal that may be made, takes precedence over all other cases. Witnesses are compelled to testify, but their testimony exempts them from prosecution for any offence to which it may relate. The public prosecutor must examine the witnesses, and the defendant may be represented by counsel. If the court finds that no statement has been filed, or that the statement filed is false or incomplete, but that there has been no "wilful intent" to evade the law, the defendant must correct the error within ten days and pay the costs of the proceeding. If the court finds that there has been "wilful intent" to evade the law, or if the defendant fails to correct or

file a statement after having been ordered to do so, the defendant must pay the costs of the proceeding and is also liable to a fine of not more than $1000, or to imprisonment for not more than one year, or both. If the court finds that the defendant has complied with the law, the applicant for the order must pay the costs of the proceeding. The law does not apply to town or village elections, or to newspapers or periodicals.

252. **Weakness of the Law.** — It has been suggested that one of the main causes for the failure of State laws against the bribery of voters may lie in the fact that they do not punish violations with forfeiture of office unless the offence is committed by the candidate. In other words, penalties for violations fall upon the individual offenders and not upon the party Machines that procure or encourage the offence, or upon the candidate who is the beneficiary. If the Machine can steal an election, its tools may be punished, but it is allowed to retain possession of the stolen property.

253. **Forfeiture of Office.** — Under the British Corrupt Practices Act, violations of the law, committed to promote the election of a candidate, render his election void. This tends to remove the temptation to disregard the law because it makes corruption defeat its own object, and it also punishes the party organization by depriving it of the fruit of a corrupt victory.

254. **The Canadian Law.** — The Canadian laws against bribery are much more exact and comprehensive than any that have been enacted on this side of the border. The Corrupt Practices Act of the Province of Ontario provides that any person found guilty of bribery shall be fined $200 and shall also be imprisoned for six months. Any voter accepting a bribe may either be fined not more than $200 or be imprisoned for not more than six months. The penalty for the person giving the bribe is thus made more severe than the penalty for the person receiving it.

255. **"Treating" Forbidden.** — The "anti-treating" section of the Ontario law is also different from similar laws in this country. It forbids any candidate or any other person to "either provide or furnish drink or other entertainment" to any meeting of electors previous to or during the election. No candidate, either directly or indirectly, may provide "any meat, drink, refreshment, or provision" to any voter for the purpose of influencing his vote. The giving of meat or drink in a general or "miscellaneous" manner is declared a corrupt practice, and no candidate may plead in his defence that he has "been in the habit of treating." (§ 232.)

256. **Transportation of Voters Prohibited.** — No candidate or his agent is permitted by the Ontario law to

pay any of the expense of bringing voters to the polls, either by providing conveyances or railway transportation. The law contains the usual prohibition of duress, intimidation, or fraud to influence voters, and of false impersonation, repeating, and betting on the result of the election.

257. **Drastic Penalties.** — It is in the general penalty for corrupt practices that the Ontario statute differs most radically from the laws of the States. It provides that when it is found "that any corrupt practice has been committed by a candidate at an election, or by his agent, whether with or without the actual knowledge and consent of the candidate, the election of the candidate, if he has been elected, shall be void," unless it appears that the offences were committed without the knowledge and consent of the candidate and also that they were of so trifling a nature as not to have affected the result of the election. When it is found that the candidate had knowledge of and consented to the corruption, in addition to losing his office, he is disfranchised for eight years and disqualified from holding any office, either elective or appointive.

258. **Purchased Votes Void.** — If a voter has taken a bribe, his vote is void and he is debarred by the Ontario law from voting in the next election. When a

candidate or his agent has committed a corrupt practice with respect to a voter, the candidate loses one vote for each voter with respect to whom the corrupt practice was committed. Every person other than a candidate who is convicted of a corrupt practice is disqualified from holding office and disfranchised for eight years. When the right of a voter to vote is challenged, the burden of proving that he is entitled to vote rests upon him and not upon the challenger. Judges trying cases of corrupt practice involving forfeiture of office are allowed to exercise discretion to the end that only actual fraud may be punished, while technical and unintentional violations of the law may be excused. When an election has been declared void, a new election must be held. Expenses of candidates are strictly limited by the Ontario law, and a complete accounting of all receipts and expenditures is required. There is no mention in the law of political committees or parties. While even this law has not entirely checked the bribery of voters, a contest is inevitable when money has been used in close elections.

259. **Limitation of Expenditure.** — Efforts have been made in several of the States to limit the amount of money that may be expended in elections by making the sum that may be disbursed by or on behalf of a candidate equivalent to a certain percentage of the

salary which he would receive if elected. The California law limits such expenses to five per cent of the annual salary attached to the office for each year of the duration of the term. Thus, if the term is four years, the total amount that may be spent by or on behalf of the candidate is twenty per cent of one year's salary. The accounting must be complete and any violation of the law on the part of the candidate entails forfeiture of his office.

CHAPTER IX

SUPPLEMENTAL SAFEGUARDS AGAINST FRAUD

260. General Laws Insufficient. — Practically all the general laws of the States relating to elections are alike in their main features and have followed or are following the same lines of evolution. The differences between them are due to the fact that some States have advanced more rapidly than others. The evils to be overcome are everywhere the same, and the laws enacted to overcome them bear a close resemblance to the New York laws, — which have been described in detail, — with some minor variations growing out of the special needs of localities. Nowhere, however, have these general laws been found sufficient to put an end to election bribery and fraud, and some of the States have enacted special laws to supplement them. These supplemental laws are still largely experimental and they represent various plans of dealing with the problem to be solved.

261. Special Act for New York City. — In spite of the detailed and specific provisions of the New York Election Law regarding the registration and identifica-

tion of voters and the penalties imposed for their violation, it was found necessary to pass a special act to compel obedience to them in New York City. The presence in the city of a large foreign-born element and the continual shifting of the population, rendering identification difficult, encouraged illegal voting to such an extent that the State decided to intervene. For this reason the Metropolitan Elections District Law was passed in 1898. It creates a Metropolitan Elections District which covers the four counties of New York, Kings, Queens, and Richmond, which are wholly included in the city, and also the county of Westchester, which adjoins the city on the north. The law was intended to apply only to the city, but Westchester county was included so as to make the law comply with the requirements of the Constitution of the State.

262. **State Superintendent of Elections.** — The Governor is required to appoint a State Superintendent of Elections, whose jurisdiction extends over the five counties included in the Metropolitan Elections District. The Superintendent, who must be a resident of the District, has absolute power to make examinations to ascertain whether the Election Law is being violated in any respect, and the State Attorney-General is required to prosecute any case of violation that he may discover,

thus taking both the examination and the prosecution out of the hands of the local authorities. The reason for this is found in the fact that the public officials in the city are usually Democrats, while the State government is usually in the hands of the Republicans.

263. **Appointment of Deputies.** — The Superintendent, whose term is four years, has power to appoint a Chief Deputy and an office force. He may also appoint 550 other deputies, of whom 400 must be appointed from lists furnished by the chairmen of the Republican and Democratic party committees. Each chairman is allowed to name 200 deputies who are subject to examination by the Superintendent, and the chairmen may fill vacancies in their respective party lists. The Superintendent, in addition, may appoint 150 deputies of his own choosing. The Superintendent and his deputies are clothed with all powers possessed by Sheriffs, and they may call upon any citizen, policeman, or official to aid them in the performance of their duties. Any person who refuses assistance is guilty of a felony, punishable by a term of not more than three years in a State prison, and if he is a public official, he also forfeits his office. (§ 271.)

264. **The Lodging-house Vote.** — Many illegal votes were cast by persons claiming a voting residence in the numerous lodging-houses, "Raines Law hotels,"

and saloons of the city. A large part of this vote was purchased and "colonized" by political workers. One of the chief objects of the supplemental law was to put an end to these frauds, the detection of which was rendered extremely difficult by the floating character of the lodging-house population. Large numbers of residents of other States, especially New Jersey and Pennsylvania, were brought into the city before election day and sent from one polling-place to another to register, ostensibly from lodging-houses, under fictitious names furnished to them on slips of paper. On election day these same men, or others hired for the purpose, would be sent to vote upon the fraudulently registered names.

265. Card-catalogue of Voters. — The State Superintendent of Elections is empowered to assign his deputies to any election district in the Metropolitan Elections District. He and his deputies are authorized to investigate all questions relating to the registration of voters. The election officers at the close of each registration day are required to make a card-catalogue of all the voters who have registered, copying the name and address of each voter on a card supplied by the Secretary of State. These cards are delivered to the police, who are required to give them to the Superintendent of Elections. The cards provide a complete

list of all the voters participating in the election. They are retained from year to year and they enable the Superintendent of Elections to check off the names of voters who have changed their address between elections and also the names of new voters. His attention is thus directed to anything suspicious in the registry lists.

266. **Investigation by the Superintendent.** — In verifying the names placed on the books of registry, to ascertain whether they are the names of actual voters, the Superintendent and his deputies are authorized to visit and inspect every building, dwelling, lodging-house, and hotel, and to question the inmates as to the persons who reside there. They may inspect the premises and any books, papers, or registers that they may find, and any person who refuses or neglects to give information on their demand is guilty of a misdemeanor.

267. **Examination of Witnesses.** — The Superintendent and his deputies may serve warrants and make arrests without warrants when an offence against the election laws has been committed in their presence. They may also copy all books and records relating to the registration of voters or to the election. The Superintendent has power to issue subpœnas to compel the attendance of any person at his office, and he may

require the production of any books or papers named in a subpœna. He and his Chief Deputy, and ten of his deputies designated by him for the purpose, may administer oaths in matters pertaining to the elections. Any person who refuses to obey a subpœna or to testify when questioned is guilty of a misdemeanor, and any person who makes a false statement is guilty of a felony.

268. **Powers of Deputies.** — An equal number of deputies from each of the two great parties must be assigned to any polling-place to which deputies are sent. They must be admitted freely at any time to the polling-place and allowed to enter behind the guard-rail, where they may make any examination that they deem necessary. If they find any person attempting to register or vote illegally, they may arrest him forthwith. It is a part of their duty to maintain order. For these purposes the police and the election officers are placed at their disposal and must follow their instructions or be removed from office, besides being punished as for a misdemeanor.

269. **Lodging-house Lists.** — In order that the Superintendent and his deputies may know who is legally entitled to vote from lodging-houses and hotels, the proprietor of every such establishment is required, on the twenty-ninth day before the election, to make

a detailed sworn report of the persons who claim the establishment as a voting residence, including his lodgers, employees, and the members of his family. This statement must contain a description of the premises used for hotel or lodging-house purposes, a full personal description of each person voting from the premises, including the length of his residence there, the room he occupies, and his place of business, if he has one. This description is designed to confine the registration to actual lodgers and to make it impossible for one "floater" to register a fictitious name for another "floater" to vote upon. Any keeper of a lodging-house or a hotel who refuses to furnish lists of the inmates of his establishment is guilty of a misdemeanor. As the law requires all voters to be residents of the election district in which they vote for one month before the election, the lists taken twenty-nine days before the election should include all voters from hotels and lodging-houses. After the registration has been completed the Superintendent and his deputies compare the names of voters who have registered from hotels and lodging-houses with the lists furnished by the proprietors to ascertain whether there is any discrepancy. They may investigate, make examinations under oath, arrest, and prosecute any person who has registered fraudulently. If they are unable to find

him, they may require the election officials to challenge any person who offers to vote on the suspected name.

270. **Saloon Lists.** — When required to do so by the Superintendent of Elections, every holder of a Liquor Tax certificate must furnish him with a sworn statement similar to that furnished by hotel and lodging-house keepers. The holder of a Liquor Tax certificate who makes a false statement may be punished for perjury and in addition the certificate, which is his license to sell liquor, is cancelled and he is debarred from obtaining another within five years after his conviction.

271. **Terms of Deputies.** — The State spends about $200,000 a year to maintain the Superintendent and his force. The Superintendent is permitted to retain permanently one hundred deputies at a yearly salary. The other deputies, who receive five dollars a day, may be employed for only forty days for each election unless they are longer retained as witnesses in prosecutions. The Superintendent may make rules for the guidance of his deputies and remove any of them at his pleasure. (§ 263.)

272. **Operation of the Law.** — It is impossible for the Superintendent, with his force of 550 deputies, to cover all the election districts in a city of 4,000,000 inhabitants. In practice he actually covers com-

paratively few districts; but the fact that his work is done in secret so that dishonest politicians do not know where he is preparing to strike until warrants are issued and arrests made has a deterrent effect upon repeating and fraud. It is a species of intimidation of illegal voters. The office has been the means of exposing some elaborate plots for the colonization of districts with "floaters" and the organization of gangs of "repeaters." It has also caused the cancellation of many forged or fraudulent certificates of naturalization. The office is especially adapted to conditions in New York City, and the plan of maintaining an independent agency outside the regular machinery of the election for the enforcement of the law has not been extended to other cities in the State nor has it been adopted in other States on anything like so elaborate a scale.

273. **The Massachusetts Plan.** —Massachusetts has a different plan for providing State protection against local fraud. On the petition of ten qualified voters of a city or town the Governor is required to appoint two supervisors of registration for each place of registration in the city or town from which the petition comes. These supervisors are directed to attend every meeting of the boards of registry, and they may attach to the registration list any statement they desire to make

relating to the truth of the registry or the fairness of the proceedings. Upon a similar petition from any town or ward of a city, the Governor must appoint supervisors of election to attend at the polls on election day, challenge voters, and witness all that is done. The two leading political parties must be equally represented in the appointment of these supervisors of registration and election, whose functions resemble those of watchers on behalf of the State.

CHAPTER X

EXPERIMENT AND REFORM

274. Changes in the Election Laws. — Changes are constantly being made in the election laws of the various States. They represent the continual struggle between the laws and politicians who seek to gain an unfair advantage by violating or evading them. Most of the evils incident to elections are traceable to party prejudice which prevents the formation of a healthy public opinion, to the average voter's ignorance of his rights and duties, and to the indifference of a large class of voters. Various expedients have been tried to induce the voters to interest themselves in the elections, but none has met with marked success. Large sums are spent legitimately at every election for the sole purpose of persuading voters to perform their duties as citizens. Hundreds of thousands of postal cards and circulars are mailed to them to remind them to register, and an army of men is employed to induce them to go to the polls and vote.

275. Exemption from Jury Duty. — The New York law seeks to place a premium upon voting by provid-

ing that jury duty shall be exacted first from citizens whose names do not appear upon the voting lists as having voted in the last preceding election. The theory of this law is that men who have shown themselves careless of their duties and privileges as voters will go to the polls so that they may escape jury duty. The soundness of the supposition that indifferent citizens will make good jurors has been questioned. (§ 67.)

276. **Woman Suffrage.** — It has been earnestly contended for many years that politics would be lifted to a higher plane and that better men would be elected to office if women had the right to vote on equal terms with men. While good results have followed the general admission of women to participation in elections to choose school officers, the experience of the Western States in which women are permitted to vote in all elections has not borne out the predictions of the advocates of the change. Some of the worst election frauds ever perpetrated in this country marked the Colorado election of 1904. The character and average intelligence of the voting population, as a whole, have not improved in the States where women vote. There has been no improvement in the fitness or capacity of the elected public officials. The political Machines are as strong as ever, if not actually stronger.

277. **Direct Nominations.** — The direct nomination of candidates for office by the voters at the Primaries is strongly advocated as a method of insuring the free expression of the will of the people. Good results have followed the adoption of the plan in Minnesota, Wisconsin, New Jersey, and in those portions of Massachusetts and Pennsylvania where it has been tried. The plan tends to interest the voters, since it gives them a chance to assert themselves and to "smash the Machines" when they desire the election of some popular candidate or the adoption of some policy opposed by the "bosses." Moreover, it exerts a restraining influence upon the Machines and tends to improve the character of the regular nominations. (§§ 136–138.)

278. **Examination of Election Officers.** — The selection of election inspectors, ballot-clerks, and poll-clerks by competitive Civil Service examination as to their fitness to hold such positions has been urged in place of the present method of leaving the choice of these important officers to the two great party Machines as represented in their local organizations. As a rule they are now party workers who are selected mainly because they desire to earn the money that is paid for their services. They are often deficient in honesty and knowledge of the laws governing the elections,

and their returns of the votes cast are frequently erroneous, either through stupidity or intentional fraud. It has been proposed to create through competitive examination a permanent body of intelligent officials to take charge of the polling-places and to count the votes. The chief objection to this change is that it might destroy the bi-partisan character of the election boards, the theory of which is that the accredited and trusted representatives of each of the two great parties shall always be in a position to watch each other and thus prevent cheating. The Constitution of New York, for example, directs equal representation of the two leading parties in the selection of election officers. (§ 303.)

279. **Voting Machines.** — Another means of insuring fairness in the casting and counting of the vote and of avoiding errors due to ignorance is put forward in the automatic method of voting provided by voting machines. These are ingenious mechanical contrivances which enable the voter to record his choice by pushing a knob bearing the name of the candidate or party ticket for which he desires to vote, which is equivalent to marking his ballot, and pulling down a lever, which is equivalent to placing his ballot in the box. The machines afford nearly all the latitude in voting that is possible where the blanket ballot is used.

Their especial advantage lies in the fact that they insure absolute secrecy; there can be no dispute as to whether any vote cast shall be counted or rejected; and the total vote for each candidate is recorded mechanically, so that the result of the election is usually known within an hour after the closing of the polls, even in as large a city as Buffalo, where the machines have been in use for several years.

280. **Enforcement of Law by Volunteers.** — An interesting experiment is being tried in New York State through the activity of a volunteer body of citizens who are attempting to compel the enforcement of the election laws and especially the laws forbidding the corrupt use of money in elections. This organization has assumed the title of the Association to Prevent Corrupt Practices at Elections. It recognizes the fact that public officials selected by political Machines are as reluctant to enforce election reform laws as they are to enforce the laws reforming the Civil Service. The Association bears the same relation to the enforcement of the election laws that the National Civil Service Reform Association bears to the enforcement of the Civil Service reform laws. It is made up of influential men without regard to party affiliation. (§ 227.)

281. **Machine Anti-bribery Agreements.** — Corrup-

tion in elections is also being attacked here and there by the Machines themselves, to which the continual purchase of large bodies of voters has become an intolerable burden. The chairmen of the Republican and the Democratic County Committees of Chemung County, New York, in 1905 drew up and signed a formal agreement to limit their election expenses to $40 for each election district, to refrain from purchasing votes, to unite in prosecuting election frauds, and to pay a reward of $100 for the conviction of any person violating the election laws. Similar agreements have since been made in other counties and in localities in other States. (§ 231.)

282. **Minority Representation.** — There has always been a feeling that the principle of majority rule is unjust, in that it necessarily leaves the minority, no matter how large it may be, without representation in the government. Various plans of minority representation have been suggested. The simplest plan is applicable only to the election of administrative or legislative bodies, the functions of whose members are identical. If three members of the legislature or school commissioners are to be elected in one District, for example, the law may permit a voter to vote for only two of them. This enables the majority to elect two of its candidates and the minority to elect one.

283. The Illinois Plan. — Illinois for many years has provided for minority representation in the lower branch of its Legislature. The Illinois Constitution embodies the plan as follows: —

"The House of Representatives shall consist of three times the number of the members of the Senate, and the term of office shall be two years. Three representatives shall be elected in each senatorial district in the year of our Lord one thousand eight hundred and seventy-two, and every two years thereafter. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit; and the candidates highest in votes shall be declared elected."

284. Cumulative Voting. — The Illinois plan involves "cumulative voting." That is to say, where three candidates are to be chosen from the same District, each voter in the District is allowed to cast three votes. He may give one vote to each of the three candidates, or he may combine or "cumulate" them and give all three to the same candidate. By this method the majority may elect two of the three candidates and the minority one. Other and more complicated schemes of proportional representation have

been devised, but the theory of majority rule and party responsibility is so firmly embedded in the American system of government that no plan admitting the minority to a share in making or administering the laws has met with general approval.

285. The Initiative and Referendum. — Direct legislation by the voters through the medium of the initiative and the referendum has been advocated as a means of giving the people what they want and breaking the power of the Machines and the "bosses" over legislation. The initiative gives a certain stated number of voters the right to "initiate," or propose, legislation. The enactment of the measures proposed may be left to the ordinary lawmaking bodies or it may be submitted to the decision of the voters in the form of a "referendum" to become a law on their approval. There has recently been much agitation, especially in the West and South, for the adoption of the initiative and referendum in lawmaking. Oregon, South Dakota, Nevada, and Oklahoma have adopted the plan, and it has been employed rather extensively in Oregon. Its adoption is being urged in many other States.

The Constitution of Oregon provides that the legislative power shall be vested in a legislative assembly consisting of a Senate and a House, but it specifically reserves to the people "power to propose laws and

amendments to the Constitution and to enact or reject the same at the polls, independent of the legislative assembly," and also "power at their own option to approve or reject at the polls any act of the legislative assembly." Legal voters equal in number to eight per cent of the total vote cast for Justice of the Supreme Court at the election next preceding may initiate, or propose, a law. Their petition must contain the full text of the measure proposed and must be filed with the Secretary of State at least four months before the election at which it is to be voted upon. This election must be a regular biennial election. The reference to the people of acts of the legislature, or the referendum, may be ordered by the legislature itself or by a number of voters equal to five per cent of the total vote cast for Justice of the Supreme Court at the last preceding election, and it may be ordered in regard to any act excepting acts necessary to the immediate preservation of the public peace, health, or safety. Referendum petitions must be filed with the Secretary of State within ninety days after the final adjournment of the legislature which passed the act to which the petition relates, and the veto power of the Governor does not extend to acts referred to the people. Acts referred to the people must be voted on at a regular election unless the legislature orders

a special election, and they take effect as laws when they have been approved by a majority of the votes cast upon them. The referendum may be demanded against any item, section, or part of a legislative act. Initiative or referendum powers may be exercised upon local, special, or municipal legislation by the voters of the district or districts to which such legislation relates. The initiative and referendum provisions of the Oregon Constitution apply also to Constitutional amendments.

In South Dakota the initiative or referendum may be set in motion by the petition of five per cent of the voters. In Utah acts passed by a two-thirds vote in each branch of the legislature are not subject to the referendum. The number of voters required to set the initiative or referendum in motion is left to the legislature and any law or ordinance passed by the legislative body of any subdivision of the State is subject to the referendum. In Oklahoma a number of voters equal to eight per cent of the vote cast for the State officer receiving the highest vote in the last general election may initiate a law and fifteen per cent an amendment to the Constitution. The referendum is ordered by five per cent of the voters and may be exercised regarding any item, section, or part of an act. The initiative or referendum may be set in motion in

every county or district within a county as to local legislation within such counties or districts, — the initiative by sixteen per cent of the voters, and the referendum by ten per cent. Any measure which has been submitted to the people through the initiative or referendum cannot again be submitted by the initiative within three years thereafter unless by petition of twenty-five per cent of the voters.

286. Frequent Use of the Referendum. — The referendum has always been recognized in the American form of government. The Federal Constitution was referred to the States for their acceptance, and the approval of three-fourths of all the States is required for the adoption of amendments to it. Nearly all the State Constitutions were submitted to a vote of the people and usually no amendment can be made until it has been approved by the legislature and afterward by the voters in a general election. Proposals to borrow money on the credit of the State, as a rule, must also be approved by the people. The referendum is sometimes provided for in the operation of general State laws, such as the laws governing the sale of liquor. In New York and many other States, localities are permitted to exercise the right of "local option" as to whether liquor shall be sold. The voters of a town or other political division are allowed to vote on the

question and their decision is controlling. Sometimes the legislature provides for a referendum of local measures affecting localities. The law creating Greater New York became effective only after it had been approved by a majority of the voters in the territory affected by it. The experience of New York and most other States indicates that the voters are not eager for the referendum unless it gives them an opportunity to express their opinion upon some measure of unusual public interest. In New York an amendment to the Constitution, before it can become effective, must be approved by two different legislatures and adopted by a majority of the voters who vote upon it. In practice, proposed amendments to the Constitution are adopted by the legislature with comparatively little consideration, because the members know that the ultimate responsibility for them will rest with the people. Having passed one legislature, the next legislature usually passes them again as a matter of course. They are then submitted to the voters, and in the majority of cases many of the voters pay little or no attention to them, failing to vote upon them at all. Of those who do vote many are influenced to vote for them by the fact that they have already received the approval of two legislatures. The legislature shifts the responsibility to the people and the people

shift it back again to the legislature. The failure of the mass of the voters to express their opinion on proposed amendments to the Constitution has become so marked in New York that a movement has been begun to change the method of amendment by providing that an amendment shall be deemed to have failed unless the total vote for and against it shall reach a certain proportion of the total vote cast for members of the lower branch of the legislature in the election in which the amendments were submitted.

287. **The Right of Petition.** — An approach to the initiative in general American practice is found in the right of petition which is recognized and established by the national and State Constitutions. This right is freely used, but it has no binding force upon lawmakers.

288. **The Recall.** — One of the most recent innovations to find advocates is the "recall." This permits the voters to cancel the election of an official whose acts they do not approve. It has been adopted in the cities of Los Angeles and Seattle.

CHAPTER XI

PARTIES AND THEIR ORGANIZATION

289. Origin of Parties. — The political party is composed fundamentally of voters who hold the same opinions regarding broad general principles of government. Members of one party may transfer their allegiance to another, and the followers of existing parties may unite to form a new party on special issues, such as the abolition of slavery or the suppression of the liquor traffic. (§§ 2, 9.)

290. Republicans and Democrats. — The two great parties in the United States are the Republican party and the Democratic party. Broadly speaking, the Democratic party is composed of men who uphold the principle that the less the people are governed the better off they are. Democrats believe that the national government should be limited in its functions to a "strict construction" of the Federal Constitution, and that it should interfere as little as possible with the freedom of the States to manage their own affairs.

They hold that State governments should give the largest possible measure of "home rule" to their cities and other political subdivisions, and that they should restrict individual liberty of action only when restriction is necessary to protect the liberty of other individuals. The Republican party believes in a strong national government, with power to protect American labor and manufactures by the taxation of foreign products, to execute internal improvements, and to regulate commerce between the States. It upholds the principle that the central government should make laws of uniform application to the whole United States regarding subjects of general importance, so far as the Constitution will permit. To accomplish these purposes it believes in a "free construction" of the powers granted to the Federal government by the Constitution.

291. **Jefferson and Hamilton.** — The Democratic party has existed since the beginning of the government. Its founder was Thomas Jefferson, and it was known originally as the Democratic-Republican party. The Republican party acknowledges Alexander Hamilton as its founder, although his followers when the Constitution was adopted were known as Federalists. The Federalist party as an organization went out of existence early in the last century. It was

succeeded by the National Republican party and the Whig party, and its adherents finally coalesced with other minor party organizations in 1856 and 1860 on the anti-slavery issue, taking the name which the party now bears. In the early days of the Republic the Federalist party was predominant. It soon gave way to the Democratic party, which held the government until the Republicans elected Abraham Lincoln President in 1860. The Republicans have remained in power since then, excepting when the Democrats elected Grover Cleveland President in 1884 and again in 1892 on the tariff issue.

292. Minor Parties. — Many minor national parties have been formed from time to time, usually for the purpose of advocating one idea rather than general principles, such as those upon which the Democratic and the Republican parties are based.

293. The Prohibition Party. — The Prohibition party is the oldest of the minor parties now in existence. It was founded in 1872, mainly to bring about the suppression of the manufacture and sale of liquor in the United States. It cast 5608 votes out of a total of 6,466,165 in the National election of 1872. In 1904 it cast 258,536 votes out of a total vote of 13,528,979. (Appendix II.)

294. The Socialist-Labor Party. — The Socialist-

Labor party held its first national convention in 1892. It advocated public ownership of railways, telegraph lines, and similar public utilities, universal suffrage, the abolition of the Presidency, Vice-Presidency, and the Senate, and the substitution of government by an "Executive Board" elected by the House of Representatives. (Appendix II.)

295. **The Socialist Party.** — The Socialist party was formed in 1904 from a faction of the Socialist-Labor party, and it advocates substantially the same ideas. (Appendix II.)

296. **The People's Party.** — The People's party, commonly known as the Populist party, was founded in 1892 to advocate the free coinage of silver, an increase in the amount of money in circulation, and the national ownership of railways, telephone, and telegraph lines. (Appendix II.)

297. **Party Organization.** — Political parties, when thoroughly organized like the Democratic and the Republican parties, are represented by party committees in every State and in every political subdivision of each State. These committees constitute the party Machine, which is organized under rules adopted in conformity with the customs of the party.

298. **Committees and Conventions.** — Party authority is vested in conventions composed of delegates

chosen indirectly by the party voters. The national and State party committees are appointed to exercise powers conferred upon them by the national and State conventions while the conventions are not in session. Supreme authority to formulate and proclaim party doctrines is confined to national conventions. These conventions also constitute the court of last resort in disputed questions of party "regularity." They are composed of delegates chosen by the party voters of each State under a uniform rule of representation. When there is a division in the party organization in a State, each faction sends delegates to the national convention. The decision of the convention admitting the delegates representing one faction or the other settles which faction is "regular" and entitled to the sympathy and support of the adherents of the party. (§ 122.)

299. **The National Committee.** — While the national convention is in session, the delegates from each State choose one of their number to represent the State in the National Committee of the party. This committee is chiefly concerned with the national party organization, and it rarely seeks to interfere with the organization of the party in any State. In politics the States enjoy a much larger share of autonomy than they possess in the general government.

300. **State Committees.** — State Committees are the supreme party authority within the States when State conventions are not in session. They are composed of members who are chosen by the delegates to State conventions under the rules of the party. Each member of the State Committee may represent a Congressional District, or a Senatorial District, or a county, as the party in the State may prescribe. There is no uniformity among the various State organizations of the same party nor among the various local party organizations of the same State. In New York State the members of the Republican State Committee are chosen by Congressional Districts, while the members of the Democratic State Committee are elected by Senatorial Districts. Although the population of Congressional Districts is required by law to be as nearly uniform as possible, the party vote varies widely in the several Districts, and the same is true of the Senatorial Districts. The representation in the State Committees therefore is based on population rather than proportioned to the numerical strength of the party voters in different parts of the State as is usually the case with the representation in party conventions.

301. **County Committees.** — Next to the State Committees in party importance are the County Committees, made up of delegates chosen by districts. These dele-

gates are apportioned in accordance with the number of votes cast in each district for the party candidate for Governor in the last preceding State election. County Committees are so large in counties containing a large population that their authority is usually delegated to an Executive or Central Committee composed of one delegate from each district specified by the rules of the party. These rules need not be uniform as between the counties. Sometimes the members of the Executive Committee are chosen by towns, sometimes by wards, and sometimes by Assembly Districts.

302. **Basis of the Machine.** — There are also party organizations in each of the districts from which members of the County Committees are chosen, and, finally, each election district or voting precinct has its Machine. These election district Machines are the smallest units of organization and they form the basis of the national party structure.

303. **Parties recognized by Law.** — Parties are not only inseparable from a government by the people, but they are essential to it, and wherever there are parties there are certain to be party organizations, or Machines. This fact is so well established that party organization is recognized and to some extent regulated by State laws and sometimes even by State Constitutions. The Constitution of New York State, in

Section 6 of Article II, relating to elections, makes the following provision regarding election boards: —

"All laws creating, regulating, or affecting boards of officers charged with the duty of registering voters, or of distributing ballots at the polls to voters, or of receiving, recording, or counting votes at elections, shall secure equal representation of the two political parties which, at the general election next preceding that for which such boards or officers are to serve, cast the highest and the next highest number of votes. All such boards and officers shall be appointed or elected in such manner, and upon the nomination of such representatives of said parties respectively, as the legislature may direct."

The Republican and the Democratic parties have alternated in the State in casting "the highest and the next highest number of votes," and the language of the Constitution was intended to provide for an equal division of the election officers between them. The words "representatives of said parties" refer to the party committees which have been described. How the provisions of the Constitution of the State have been obeyed in the enactment of the laws has already been shown. (§ 278.)

304. Character of Party Machines. — Although the domination of political Machines and of political

"bosses" is often denounced with much earnestness, they have acquired the permanence of a political institution, recognized in the statute and the fundamental laws. But there is nothing in either law to determine that the influence of the political machine shall be evil. The fact that the Machine often encourages and abets dishonest and illegal practices and that it has frequently been instrumental in placing unfit men in office is due in large part to the negligence or indifference of the voters belonging to the party which it represents.

305. **Responsibility of the Voters.** — Every voter is entitled to a voice in the management of the affairs of the organization of the party with which he happens to be most in sympathy. Moreover he may participate in party government and the choice of party officials without binding himself to vote for the candidates of the party with which he affiliates himself. He may change his affiliation from one party to another whenever he so desires, and in the affairs of local government he may act with an independent organization formed to participate in local elections, without forfeiting his standing in the regular organization of the party of his choice. The voters themselves, therefore, are responsible for the character of party Machines, since they may make the Machines good or bad as they will. (§§ 58–61.)

306. **Legal Regulation of Parties.** — There is a wide difference between the various State laws regulating the government of political parties. In New York State the Primary Election Law provides that each party that cast at least 10,000 votes for its candidate for Governor in the last preceding State election shall have a general committee for each county in the State. The members of these general, or county, committees must be chosen on the annual Primary day (§ 86), and they must take office before the first day of the following January. They are required to meet and organize in accordance with the rules of the party which they represent. Their number must be apportioned in accordance with the party vote in the several districts of the county.

307. **Party Rules.** — Within three days after its organization, under the New York law, every County Committee must file a copy of its "rules and regulations" with the Custodian of Primary Records for the county, together with a list of its members, including its chairman and secretary. The rules and regulations must be consistent with the laws, and the party organization is legally bound by them. (§ 88.)

308. **Rights of Voters.** — The New York law makes only these general provisions relating to party organization and government, leaving the party Machines wide

latitude of autonomy under their rules and regulations. The law provides, however, that every qualified voter shall have an opportunity to enroll as a member of the political party of his choice and that, when enrolled, he cannot be prevented from voting for members of the party committees at the Primaries. (§§ 76–81.)

309. **Examples of County Organization.** — The rules and regulations of the party organizations in each county differ in detail, but their general character may be ascertained from the rules adopted by the local organizations of the two great national parties in New York County. The county is contained wholly within the city of New York, and within its boundaries political organization in the modern sense of the term was started a century ago by Aaron Burr.

310. **Tammany Hall Organization.** — The political Machine known as Tammany Hall is the Democratic party organization in the County of New York. It has been regarded as the most perfect example of political mechanism in the world. Its origin goes back to the beginning of the Democratic party, and its official title, "The Democratic-Republican Organization of the County of New York," preserves the original title of the party of Jefferson.

311. **Tammany General Committee.** — The Tammany rules provide that there shall be an Assembly

District Association in each Assembly District, composed of all voters in the District who are enrolled as members of the Democratic party, and a County General Committee which shall be the "central organization" of the party in the county. The County General Committee under the rules is "charged with the administration of the affairs of the party in the county and with the promotion of measures for the harmony, efficiency, and success of the party."

312. **Representation.** —Members of the County General Committee, which is commonly known simply as "The General Committee," are elected by Assembly Districts. These Districts form the unit of representation in the lower branch of the legislature, and each of them is entitled to one delegate to the General Committee for every twenty-five votes cast in the District for the Democratic candidate for Governor in the last preceding State election. This rule creates a General Committee of about 8000 members. Every member is required to pay an annual assessment of $10, which yields an income of $80,000 a year for the support of the organization.

313. **Officers of the General Committee.** —The General Committee elects a president, first and second vice-presidents, a District vice-president from each Assembly District, recording and corresponding secre-

taries, a District secretary from each Assembly District, three general secretaries, a treasurer, and a sergeant-at-arms. The president of the Committee may appoint a reading secretary.

314. **The Executive Committee.** — The Tammany Executive Committee, which is composed of the leaders in each Assembly District, is the actual governing power in the Tammany organization. The rules provide that the members of the General Committee from each Assembly District shall meet and designate one of their number as the member of the Executive Committee from that District. Their selection must be submitted to the retiring Executive Committee at its last meeting before the annual reorganization. If the retiring Executive Committee approves the selection, it is allowed to stand; but if not, the Executive Committee may select some other member of the General Committee from the District to represent the District in the Executive Committee.

315. **Power of the "Boss."** — The supreme Tammany leader, or "boss," is not mentioned in the rules of the organization. Although he must control one or more Assembly Districts if he is the leader in fact, he need not be a District leader nor is it necessary for him to hold any office in the organization. He must always be able to command the support of a majority

of the members of the Executive Committee. The leaders in the various Assembly Districts are the men who have carried the Primaries by having their Primary ticket, made up of delegates to the General Committee who will obey their orders, elected. The "boss" is able to exert a strong influence in the Primary elections by aiding one faction with appointments and money to the exclusion of the other, but he is not always able to control absolutely the result of the election. He is necessarily in control of the retiring Executive Committee or he would not be the "boss." When the successful contestant in the Primary election has caused himself to be elected leader of his District and presents himself for admission to the Executive Committee, the "boss" may order the retiring Executive Committee to reject him and substitute another leader for the District, who must, however, be chosen from among the members of the General Committee from the District who were elected at the Primaries. This rule aids the "boss" in perpetuating his power although the authority which it gives him to reverse the choice of the party voters in a District is rarely invoked. In addition to the District leaders, the president and treasurer of the General Committee are members of the Executive Committee. The chairmen and vice-chairmen of the standing committees of the General

Committee on Printing, Resolutions, and Correspondence, Public Meetings, and Law, are also members of the Executive Committee, but they are not entitled to vote.

316. **Executive Committee the Real Power.** — The Executive Committee is required by the rules to organize by electing a chairman, a vice-chairman, and two secretaries. The chairman may also appoint a secretary who need not be a member of the Committee. The functions of the Committee are not specified in the rules, but in practice it conducts the affairs of the organization. The programme of action which is agreed upon by the Executive Committee is always affirmed by the General Committee. This arises from the fact that each District leader controls the members of the General Committee from his District, so that a majority of all the District leaders, who of course constitute a majority of the Executive Committee, control a majority of the members of the General Committee.

317. **Standing Committees.** — The president of the General Committee is authorized by the rules to appoint a Committee on Law to consist of thirty-nine members, a Committee on Printing of seven members, a Committee on Resolutions and Correspondence of seventeen members, a Committee on Election Officers of five members, a Committee on Public Meetings of seven

members, and a Committee on Rules of seven members. These are the regular standing committees of the General Committee whose president names their chairmen and vice-chairmen. In practice they all follow the orders of the "boss." It is the duty of the Tammany Law Committee to issue general instructions for the guidance of the Tammany election officials and to arrange for the release and defence of Tammany voters who may be arrested on election day. The Committee on Printing arranges for the printing and circulation of notices to voters and campaign documents. The Committee on Resolutions and Correspondence prepares the resolutions which constitute the Tammany platform, and such other resolutions as it may be deemed advisable to adopt from time to time, and attends to the correspondence of a public nature. The Committee on Election Officers prepares the list of inspectors of election, poll-clerks and ballot-clerks, who represent the Democratic party in the election boards. The names for each district are submitted to the committee by the leader of the District. The Committee on Public Meetings arranges for mass meetings, rents the halls, provides the speakers and the music, and issues the tickets. The Committee on Rules draws up the rules and regulations which govern the organization.

318. **Meetings and Procedure.** — Regular meetings of the General Committee are held on the second Thursday in each month excepting in June, July, and August. Special meetings may be called for a specific purpose at any time by the president of the Committee. The meetings are always preceded by meetings of the Executive Committee which makes up the programme to be followed by the General Committee, prepares any resolutions that are to be adopted, and designates the speakers if speeches are to be made. Procedure is governed by the usual parliamentary practice, but the General Committee is forbidden to recommend any person for appointment to office, this right being reserved to the "boss" and the District leaders. Any member of the General Committee may be expelled for cause by a two-thirds vote of the Committee and a similar vote is required to make a change in the rules. The General Committee is required to apportion delegates to conventions among the Districts in accordance with the provisions of the Primary Law and to issue the calls for conventions and Primaries.

319. **District Organization.** — Every Assembly District in the County has a Tammany organization which practically duplicates the central organization. The District leader is the "boss" in his District. A District general committee is chosen and its chairman appoints

standing committees. The District organization is subdivided into election district organizations, each of which is led by an election district "captain."

320. **Finances.** — There is no provision in the Tammany Rules for a Finance Committee, but such a committee may be appointed unofficially by the "boss." Although the organization has a treasurer, the "boss" has exclusive control of the finances. Aside from the collection of the regular dues from members of the General Committee, he directs the raising and expenditure of campaign funds. He decides the assessment that shall be levied upon candidates and takes charge of gathering campaign contributions from other sources. The collection of assessments upon office-holders is made by an agent of the "boss," known as the "Wiskinkie" of Tammany Hall. No accounting of campaign funds is provided for by the rules of the organization.

321. **Republican Organization.** — The rules and regulations of the Republican organization in New York County are similar to those of Tammany Hall, but the character of the organization is different. The Tammany General Committee, with one member for each twenty-five votes cast for the Democratic candidate for Governor in the last preceding State election, is large and unwieldy. Its meetings are usually per-

functory, the real power being vested in the "boss" and the Executive Committee. The Republican County Committee, which is the General Committee of the county of New York, is apportioned on the basis of one member for each 200 votes cast for the Republican candidate for Governor in the last preceding State election. This rule creates a County Committee of about 700 members, which is not too large to enable it to take an active part in the management of the organization.

322. **Assembly District Committees.** — In addition to the general county organization, each Assembly District under the Republican rules has a separate organization in which the election district is the basis of representation. Delegates to the Assembly District General Committee are apportioned among the election districts on the basis of one delegate for each fifty votes cast in the election district for the Republican candidate for Governor in the last preceding State election; but each election district is entitled to at least one delegate. The members of the County Committee from each Assembly District are also members of the District Committee.

323. **County Executive Committee.** — Under the rules of the Republican organization, the president of the County Committee may appoint the members of

the County Executive Committee, one from each Assembly District; but in practice the Republican District leader, like the Tammany District leader, is the candidate for leadership whose Primary ticket wins in the Primary election. This gives him control of the District Committee and of the delegates from the District to the County Committee, and he is appointed by the president of the County Committee to represent the District in the County Executive Committee. The president of the County Committee and the first vice-president are also members of the Executive Committee.

324. **Standing Committees.** — Besides naming the members of the Executive Committee, the president of the County Committee appoints a Committee on Election Officers consisting of one member from each Assembly District, a Committee on Law consisting of seven members, a Committee on Public Meetings of fifteen members, a Committee on Finance the members of which need not be members of the County Committee, and such other special committees as may be authorized by the County Committee. He is empowered to name an Advisory Committee composed of Republicans who need not be members of the County Committee.

325. **Officers.** — The officers of the Republican County Committee are the president, first and second

vice-presidents, secretary, treasurer, and sergeant-at-arms. The secretary need not be a member of the County Committee, but he is required to devote his entire time to the duties of his office. He receives a salary of $3500 a year. The treasurer need not be a member of the County Committee, but his election makes him a member of the Executive Committee. It is his duty to receive and hold in trust all funds of the County Committee, and "when in funds" he is required to honor all drafts of the Executive Committee, to which he must report when requested to do so by the Committee. No money can be paid excepting upon an order signed by the president of the County Committee. By virtue of their offices the president is a member of all the committees of the County Committee and the treasurer is a member of the Executive and the Finance Committees. Each member of the County Committee is required to pay ten dollars annual dues or lose his vote in the Committee.

326. **Meetings of the County Committee.** — Regular meetings of the Republican County Committee are held on the third Thursday in each month excepting in July and August. Special meetings for a stated purpose may be called by the president of the Committee on forty-eight hours' notice, and they must be called upon the written request of twenty members

of the Committee. A majority of all the members elected to the Committee constitutes a quorum for the transaction of business. Meetings of the County Committee are always preceded by meetings of the Executive Committee, which, as in Tammany Hall, outlines the programme to be followed by the County Committee and recommends resolutions for adoption.

327. **District Committee Meetings.** — The Republican Assembly District Committees are required to elect a chairman, vice-chairman, secretary, treasurer, and sergeant-at-arms. They may appoint such subcommittees as they desire and determine the time for holding their meetings, which, however, must be called at the request of ten members. They may make by-laws not inconsistent with the rules of the County Committee. Election district "captains" are appointed under the authority of the Assembly District Committees.

328. **The Republican "Boss."** — The president of the Republican County Committee is recognized as the leader of the county organization, but he is not a "boss" in the sense that the Tammany leader is. The reason for this is found in the fact that the Republican party is in a minority in the county and is usually compelled to seek patronage from the State and national governments rather than from the city and county

administrations. The Republican "boss" of the State, when there is one, is the dispenser of this patronage, and as a result he is also the Republican "boss" in the county. He is able to make and unmake presidents of the County Committee. Consequently the District leaders and the members of the County Committee stand less in fear of him than the Tammany leaders stand in relation to their "boss." He is a deputy rather than a principal. He is often at variance with the Executive Committee, and the assumed authority of the Executive Committee is sometimes ignored by the County Committee. In the Republican organization there is nearly always a strong minority opposed to the president of the County Committee. There is very rarely a minority in Tammany Hall and when one springs up, it is quickly eliminated.

329. **Party Headquarters.** — Both party organizations have a general headquarters for the county and District headquarters in each Assembly District. The Democratic County headquarters is in Tammany Hall and the Democratic organization is usually known by the name of the building in which it meets. This building, however, belongs to the Tammany Society, or Columbian Order, a distinct organization theoretically non-partisan, although as a rule dominated by the political party Machine. The Tammany District head-

quarters are usually in club-houses belonging to political clubs bearing the names of various Indian tribes, such as the Iroquois Club, the Seneca Club, and the Delaware Club. The Tammany District leaders have stated times for visiting these clubs, usually in the evening, to consult with their lieutenants. They form the centre of Tammany activity in the District. The Republican District headquarters are also usually in District clubs which often bear the names of Republican party heroes, such as the Lincoln Club, the Blaine Club, and the Hamilton Club. They are less frequented than the Tammany political clubs. Not only is the political machinery of each District managed from these club-headquarters, but the mutual acquaintance of the political workers is promoted by social entertainments there which serve to bring the members of the organization together. Attempts have been made from time to time to establish partisan club-headquarters for the whole county distinct from the business headquarters, but they have never succeeded.

330. **Independent Organizations.** — Independent and local political organizations, such as the Citizens' Union, are modelled on the same general plan as those of the two great parties, although their machinery is usually much less complete. The Citizens' Union has its own enrolment, which is not recognized by the law, and it

admits both Democrats and Republicans as well as independents. Its activity is confined entirely to local elections. Scores of similar organizations have existed from time to time in the County, but as a rule they have been short-lived.

APPENDIX I

RESTRICTIONS UPON THE VOTING PRIVILEGE

No person is permitted to vote in any of the States until he has reached the age of twenty-one. The following is a brief summary of the restrictions placed upon the voting privilege by each State.

Alabama. —Male citizens of the United States and aliens who have declared their intention of becoming citizens, who can read the Constitution or understand it when read, or who pay taxes, may vote in all elections, provided they are of sound mind, and have not been convicted of a felony, when they have lived two years in the State, one year in the county, and three months in the election district or precinct, and have paid their poll-tax.

Arizona. —Male citizens of the United States and aliens who have declared their intention of becoming citizens may vote in all elections, provided they are of sound mind and have not been convicted of a felony, when they have lived one year in the Territory and thirty days in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

Arkansas. —Male citizens of the United States or aliens who have declared their intention of becoming citizens may vote in all elections, if they have paid their poll-tax,

provided they are of sound mind and have not been convicted of a felony, when they have lived one year in the State, six months in the county, and thirty days in the election district or precinct.

California. —Male citizens of the United States, who have been citizens for ninety days before the election and who can read the Constitution and write their names, may vote in all elections, provided they are of sound mind and not under guardianship or in prison, when they have lived one year in the State, ninety days in the county, and ten days in the election district or precinct.

Colorado. — All citizens of the United States, both men and women, may vote in all elections, provided they are of sound mind and not under guardianship or in prison, when they have lived one year in the State, ninety days in the county, and ten days in the election district or precinct.

Connecticut. — Male citizens of the United States who can read English may vote in all elections, provided they have not been convicted of a felony for which they have not been pardoned, when they have lived one year in the State and six months in the town.

Women may vote in school elections under the conditions prescribed for men.

Delaware. —Male citizens of the United States who can read and write may vote in all elections, provided they are of sound mind and have not been convicted of a felony for which they have not been pardoned, when they have lived one year in the State, three months in the county, and thirty days in the election district or precinct.

District of Columbia. — Residents have no right to vote.

Florida. —Male citizens of the United States may vote in all elections, provided they are of sound mind, are not duellists, and have not been convicted of a felony, when they have lived one year in the State and six months in the town.

Georgia. —Male citizens of the United States who have paid all their taxes since 1877 may vote in all elections, provided they are of sound mind and have not been convicted of a felony for which they have not been pardoned, when they have lived one year in the State and six months in the county.

Idaho. — All citizens of the United States, both men and women, may vote in all elections, provided they are of sound mind, not under guardianship, and are not bigamists or polygamists, when they have lived six months in the State and thirty days in the county.

Illinois. —Male citizens of the United States may vote in all elections, provided they have not been convicted of a felony or election bribery for which their disability has not been removed, when they have lived one year in the State, ninety days in the county, and thirty days in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

Indiana. —Male citizens of the United States and aliens who have declared their intention of becoming citizens and who have resided one year in the United States may vote in all elections, provided they have not been convicted of an infamous crime, when they have lived six months in the State, sixty days in the county, and thirty days in the election district or precinct.

Iowa. — Male citizens of the United States may vote in all elections, provided they are of sound mind, and have not been convicted of an infamous crime, when they have lived six months in the State and sixty days in the county.

Women may vote on the question of issuing municipal bonds under the conditions prescribed for men.

Kansas. — Male citizens of the United States and aliens who have declared their intention of becoming citizens may vote in all elections, provided they are of sound mind, not under guardianship, have not been convicted of a felony, public embezzlement, or bribery, and have not been dishonorably discharged from the United States military service, unless reinstated, when they have lived six months in the State, thirty days in the town, and ten days in the election district or precinct.

Women may vote in school and municipal elections under the conditions prescribed for men.

Kentucky. — Male citizens of the United States may vote in all elections, provided they are of sound mind and have not been convicted of treason, a felony, or election bribery, when they have lived one year in the State, six months in the county, and sixty days in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

Louisiana. — Male citizens of the United States who can read and write or who pay taxes on property worth $300 which is assessed in their name, or whose fathers or grandfathers were entitled to vote on January 1, 1867, may vote

in all elections, provided they are of sound mind, have not been convicted of a felony, are not under indictment, and are not inmates of prisons or charitable institutions other than the Soldiers' Home, when they have lived two years in the State, one year in the county, and six months in the election district or precinct.

Women taxpayers may vote on questions submitted to taxpayers under the conditions prescribed for men.

Maine. —Male citizens of the United States who can read and write may vote in all elections, provided they are not under guardianship and are not paupers or Indians not taxed, when they have lived three months in the election district or precinct.

Maryland. —Male citizens of the United States may vote in all elections, provided they are of sound mind and have not been convicted of bribery or of a felony for which they have not been pardoned, when they have lived one year in the State, six months in the town, and one day in the election district or precinct.

Massachusetts. —Male citizens of the United States who can read and write may vote in all elections, provided they are not paupers or under guardianship, when they have lived one year in the State and six months in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

Michigan. —Male citizens of the United States or aliens who had declared their intention of becoming citizens on May 8, 1892, may vote in all elections unless they are Indians with tribal relations, or duellists or accessories, when they

have lived six months in the State and twenty days in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

Minnesota. —Male citizens of the United States who have been citizens for three months preceding election may vote in all elections, provided they are of sound mind, not under guardianship, have not been convicted of treason, or a felony for which they have not been pardoned, and are not uncivilized Indians, when they have lived six months in the State and thirty days in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

Mississippi. —Male citizens of the United States who can read or understand the Constitution and have paid their taxes may vote in all elections, provided they are of sound mind, have not been convicted of a felony, and are not bigamists or untaxed Indians, when they have lived two years in the State and one year, — or if clergymen, six months, — in the election district or precinct.

Missouri. —Male citizens of the United States or aliens who have declared their intention of becoming citizens not less than one year nor more than five years before the election may vote in all elections, provided they are not inmates of prisons, asylums, or almshouses, and have not been convicted of an infamous crime, when they have lived one year in the State, sixty days in the town, and twenty days in the election district or precinct.

Montana. —Male citizens of the United States may vote in all elections, provided they are of sound mind, have not

been convicted of a felony for which they have not been pardoned, and are not Indians, when they have lived one year in the State and thirty days in the election district or precinct.

Women may vote in school elections and on the question of issuing municipal bonds under the conditions prescribed for men.

Nebraska. — Male citizens of the United States or aliens who have declared their intention of becoming citizens thirty days before the election may vote in all elections, provided they are of sound mind and have not been convicted of treason or a felony without restoration of civil rights, when they have lived six months in the State, forty days in the county, thirty days in the town, and ten days in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

Nevada. — Male citizens of the United States may vote in all elections, provided they are of sound mind, are not Indians, and have not been convicted of a crime for which they have not been pardoned, when they have lived six months in the county and thirty days in the election district or precinct.

New Hampshire. — Male citizens of the United States who can read the State Constitution and write may vote in all elections, unless they have been excused from taxation at their own request, or are paupers, when they have lived six months in the State and six months in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

New Jersey. —Male citizens of the United States may vote in all elections, provided they are of sound mind, are not paupers, and have not been convicted of a crime without having been pardoned or restored to civil rights, when they have lived one year in the State and five months in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

New Mexico. —Male citizens of the United States may vote in all elections, provided they are not Indians and have not been convicted of a felony for which they have not been pardoned, when they have lived six months in the Territory, three months in the county, and thirty days in the election district or precinct.

New York. —Male citizens of the United States, who have been citizens for ninety days before the election, may vote in all elections excepting town elections creating a tax or liability, provided they have not been convicted of a felony, violation of the election laws, or betting on the election without having been restored to civil rights, when they have lived one year in the State, four months in the county, and thirty days in the election district or precinct.

Only qualified voters owning assessed property may vote in town or village elections creating a tax or liability, and women may vote in such elections and in school elections under the conditions prescribed for men.

North Carolina. —Male citizens of the United States who can read and write English may vote in all elections,

provided they are of sound mind and have not been convicted of a felony or infamous crime, when they have lived two years in the State, six months in the county, and four months in the election district or precinct.

North Dakota. —Male citizens of the United States may vote in all elections, provided they are of sound mind, not under guardianship, have not been convicted of treason or a felony without having been restored to civil rights, and are not tribal or uncivilized Indians, when they have lived one year in the State, six months in the county, and ninety days in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

Ohio. —Male citizens of the United States may vote in all elections, provided they are of sound mind and have not been convicted of a felony, when they have lived one year in the State, thirty days in the county, and twenty days in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

Oklahoma. —Male citizens of the United States may vote in all elections, provided they are of sound mind, have not been convicted of a felony, and are not tribal Indians, when they have lived six months in the State, sixty days in the county, and thirty days in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

Oregon. —Male citizens of the United States and aliens who have declared their intention of becoming citizens

one year before the election may vote in all elections, provided they are of sound mind and have not been convicted of a felony, when they have lived six months in the State.

Women may vote in school elections under the conditions prescribed for men.

Pennsylvania. —Male citizens of the United States, who have been citizens for one month before the election and who, if twenty-two years old, have paid taxes within two years, may vote in all elections, provided they have not been convicted of election fraud, when they have lived one year in the State and two months in the election district or precinct.

Rhode Island. —Male citizens of the United States may vote in all elections, provided they are of sound mind, not paupers or under guardianship, and have not been sentenced to prison for one year or more without having been restored to civil rights, when they have lived two years in the State, or one year if property owners, and six months in the town.

South Carolina. —Male citizens of the United States who have paid their poll-tax and can read the State Constitution and write, or who have paid taxes on property assessed at $300 or more, may vote in all elections, provided they are of sound mind, not paupers, and have not been convicted of a felony or of bribery for which they have not been pardoned, when they have lived two years in the State, — or six months if clergymen or school teachers, — one year in the county, and four months in the election district or precinct.

South Dakota. —Male citizens of the United States and aliens who have declared their intention of becoming citizens and have lived one year in the United States may vote in all elections, provided they are of sound mind, not under guardianship, have not been convicted of treason or a felony for which they have not been pardoned, and are not tribal Indians, when they have lived six months in the State, thirty days in the county, and ten days in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

Tennessee. —Male citizens of the United States who have paid their poll-taxes for the preceding year may vote in all elections, provided they have not been convicted of bribery or a felony, when they have lived one year in the State and six months in the county.

Texas. —Male citizens of the United States or aliens who have declared their intention of becoming citizens six months before the election may vote in all elections, provided they are of sound mind, not paupers, and have not been convicted of a felony for which they have not been pardoned, when they have lived one year in the State, six months in the town, and are actual residents of the election district or precinct.

Utah. —Citizens of the United States, both men and women, may vote in all elections, provided they are of sound mind, not paupers, and have not been convicted of a felony without restoration to civil rights, when they have lived one year in the State, four months in the county, and sixty days in the election district or precinct.

Vermont. — Male citizens of the United States who have obtained the approbation of the local board of civil authority may vote in all elections when they have lived one year in the State and three months in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

Virginia. — Male citizens of the United States who have paid their poll-taxes for the preceding three years six months before the election or who have served in time of war in the army or navy of the United States or of the Confederate States may vote in all elections, provided they are of sound mind, not paupers or duellists, and have not been convicted of treason, a felony, bribery, embezzlement of public funds, forgery, perjury, or petit larceny for which they have not been pardoned, when they have lived two years in the State, one year in the county, and thirty days in the election district or precinct.

Washington. — Male citizens of the United States and male residents of the Territory before it became a State may vote in all elections, provided they are of sound mind, are not Indians untaxed, and have not been convicted of an infamous crime, when they have lived one year in the State, ninety days in the county, and thirty days in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

West Virginia. — Male citizens of the United States may vote in all elections, provided they are of sound mind, not paupers, and have not been convicted of treason, a felony,

or election bribery, when they have lived one year in the State and six months in the town.

Wisconsin. — Male citizens of the United States, aliens who have declared their intention of becoming citizens, and civilized Indians who have severed their tribal relations may vote in all elections, provided they are of sound mind, not under guardianship, and have not been convicted of treason, a felony, or election betting, when they have lived one year in the State and ten days in the election district or precinct.

Women may vote in school elections under the conditions prescribed for men.

Wyoming. — Citizens of the United States, both men and women, who can read the State Constitution, may vote in all elections, provided they are of sound mind and have not been convicted of a felony, when they have lived one year in the State, sixty days in the county, and ten days in the election district or precinct.

APPENDIX II

NATIONAL PARTY PLATFORMS OF 1904

THE National party platform constitutes the declaration of principles or policies of government upheld and advocated by the party which adopts it. A political party may change its platform from time to time as new issues arise, but its fundamental principles are supposed to remain always the same. Each platform remains the supreme party authority until another platform is substituted for it. The principles upon which the National parties now in existence are based, as set forth in their platforms of 1904, are as follows: —

The Republican Platform

Party Achievements. — Fifty years ago the Republican party came into existence, dedicated, among other purposes, to the great task of arresting the extension of human slavery. In 1860 it elected its first President. During twenty-four of the forty-four years which have elapsed since the election of Lincoln the Republican party has held complete control of the government. For eighteen more of the forty-four years it has held partial control through the possession of one or two branches of the government, while the Democratic party during the same period has had complete control for only two years. This long tenure of power by the Republican party is not due to chance. It is a demonstra-

tion that the Republican party has commanded the confidence of the American people for nearly two generations to a degree never equalled in our history, and has displayed a high capacity for rule and government which has been made even more conspicuous by the incapacity and infirmity of purpose shown by its opponents.

Returning Prosperity. — The Republican party entered upon its present period of complete supremacy in 1897. We have every right to congratulate ourselves upon the work since then accomplished, for it has added lustre even to the traditions of the party which carried the government through the storms of civil war. We then found the country, after four years of Democratic rule, in evil plight, oppressed with misfortune and doubtful of the future. Public credit had been lowered, the revenues were declining, the debt was growing, the administration's attitude toward Spain was feeble and mortifying, the standard of values was threatened and uncertain, labor was unemployed, business was sunk in the depression which had succeeded the panic of 1893, hope was faint, and confidence was gone.

We met these unhappy conditions vigorously, effectively, and at once. We replaced a Democratic tariff law based on free-trade principles and garnished with sectional protection by a consistent protective tariff, and industry, freed from oppression and stimulated by the encouragement of wise laws, has expanded to a degree never before known, has conquered new markets, and has created a volume of exports which has surpassed imagination. Under the Dingley tariff labor has been fully employed, wages have risen, and all industries have revived and prospered.

We firmly established the gold standard, which was then menaced with destruction. Confidence returned to business, and with confidence an unexampled prosperity.

National Credit Reëstablished. — For deficient revenues supplemented by improvident issues of bonds we gave the country an income which produced a large surplus, and which enabled us only four years after the Spanish War had closed to remove over $100,000,000 of annual war taxes, reduce the public debt, and lower the interest charges of the government.

The public credit, which had been so lowered that in time of peace a Democratic administration made large loans at extravagant rates of interest in order to pay current expenditures, rose under Republican administration to its highest point, and enabled us to borrow at two per cent, even in time of war.

Wise Foreign Policies. — We refused to palter longer with the miseries of Cuba. We fought a quick and victorious war with Spain. We set Cuba free, governed the island for three years, and then gave it to the Cuban people with order restored, with ample revenues, with education and public health established, free from debt, and connected with the United States by wise provisions for our mutual interests.

We have organized the government of Porto Rico, and its people now enjoy peace, freedom, order, and prosperity.

In the Philippines we have suppressed insurrection, established order, and given to life and property a security never known there before. We have organized civil government, made it effective and strong in administration, and

have conferred upon the people of those islands the largest civil liberty they have ever enjoyed. By our possession of the Philippines we were enabled to take prompt and effective action in the relief of the legations at Peking and a decisive part in preventing the partition and preserving the integrity of China.

The possession of a route for an isthmian canal, so long the dream of American statesmanship, is now an accomplished fact. The great work of connecting the Pacific and Atlantic by a canal is at last begun, and it is due to the Republican party.

Domestic Problems Met. — We have passed laws which will bring the arid lands of the United States within the area of cultivation. We have reorganized the army and put it in the highest state of efficiency. We have passed laws for the improvement and support of the militia. We have pushed forward the building of the navy, the defence and protection of our honor and our interests. Our administration of the great departments of the government has been honest and efficient, and wherever wrongdoing has been discovered, the Republican administration has not hesitated to probe the evil and bring the offenders to justice without regard to art or political ties.

Laws enacted by the Republican party which the Democratic party failed to enforce, and which were intended for the protection of the public against the unjust discrimination or the illegal encroachment of vast aggregations of capital, have been fearlessly enforced by a Republican President, and new laws insuring reasonable publicity as to the operations of great corporations and providing addi-

tional remedies for the prevention of discrimination in freight rates have been passed by a Republican Congress.

Party Pledges, Protection. — In this record of achievement during the last eight years may be read the pledges which the Republican party has fulfilled. We promise to continue these policies and we declare our constant adherence to the following principles: —

Protection, which guards and develops our industries, is a cardinal policy of the Republican party. The measure of protection should always at least equal the difference in the cost of production at home and abroad. We insist upon the maintenance of the principles of protection, and therefore rates of duty should be readjusted only when conditions have so changed that the public interest demands their alteration, but this work cannot safely be committed to any other hands than those of the Republican party. To intrust it to the Democratic party is to invite disaster.

Whether, as in 1892, the Democratic party declared the protective tariff unconstitutional, or whether it demands tariff reform or tariff revision, its real object is always the destruction of the protective system. However specious the name, the purpose is ever the same. A Democratic tariff has always been followed by business adversity; a Republican tariff by business prosperity. To a Republican Congress and a Republican President this great question can be safely intrusted. When the only free trade country among the great nations agitates a return to protection, the chief protective country should not falter in maintaining it.

Reciprocity. — We have extended widely our foreign markets, and we believe in the adoption of all practicable

methods for their further extension, including commercial reciprocity wherever reciprocal arrangements can be effected consistent with the principles of protection, and without injury to American agriculture, American labor, or any American industry.

Gold Standard. — We believe it to be the duty of the Republican party to uphold the gold standard and the integrity and value of our national currency. The maintenance of the gold standard, established by the Republican party, cannot safely be committed to the Democratic party, which resisted its adoption, and has never given any proof since that time of belief in it or fidelity to it.

Shipping, Navy. — While every other industry has prospered under the fostering aid of Republican legislation, American shipping engaged in foreign trade, in competition with the low cost of construction, low wages, and heavy subsidies of foreign governments, has not for many years received from the government of the United States adequate encouragement of any kind. We therefore favor legislation which will encourage and build up the American merchant marine, and we cordially approve the legislation of the last Congress, which created the Merchant Marine Commission to investigate and report upon this subject.

A navy powerful enough to defend the United States against any attack, to uphold the Monroe Doctrine, and to watch over our commerce is essential to the safety and the welfare of the American people. To maintain such a navy is the fixed policy of the Republican party.

We cordially approve the attitude of President Roosevelt and Congress in regard to the exclusion of Chinese labor

and promise a continuance of the Republican policy in that direction.

Civil Service, Pensions. — The Civil Service law was placed on the statute books by the Republican party, which has always sustained it, and we renew our former declarations that it shall be thoroughly and honestly enforced.

We are always mindful of the country's debt to the soldiers and sailors of the United States, and we believe in making ample provision for them and in the liberal administration of the pension laws.

We favor the peaceful settlement of international differences by arbitration.

Rights Abroad. — We commend the vigorous efforts made by the administration to protect American citizens in foreign lands, and pledge ourselves to insist upon the just and equal protection of all our citizens abroad. It is the unquestioned duty of the government to procure for all our citizens, without distinction, the rights to travel and sojourn in friendly countries, and we declare ourselves in favor of all proper efforts tending to that end. Our great interests and our growing commerce in the Orient render the condition of China of high importance to the United States. We cordially commend the policy pursued in that direction by the administrations of President McKinley and President Roosevelt.

Disfranchisement. — We favor such Congressional action as shall determine whether by special discriminations the elective franchise in any State has been unconstitutionally limited, and if such is the case, we demand that

representation in Congress and in the electoral Colleges shall be proportionally reduced as directed by the Constitution of the United States.

Trusts. — Combinations of capital and of labor are the results of the economic movement of the age, but neither must be permitted to infringe upon the rights and interests of the people. Such combinations, when lawfully formed for lawful purposes, are alike entitled to the protection of the laws, but both are subject to the laws, and neither can be permitted to break them.

McKinley and Roosevelt. — The great statesman and patriotic American, William McKinley, who was reëlected by the Republican party to the Presidency four years ago, was assassinated just at the threshold of his second term. The entire nation mourned his untimely death, and did that justice to his great qualities of mind and character which history will confirm and repeat.

The American people were fortunate in his successor, to whom they turned with a trust and confidence which have been fully justified. President Roosevelt brought to the great responsibilities thus sadly forced upon him a clear head, a brave heart, an earnest patriotism, and high ideals of public duty and public service. True to the principles of the Republican party and to the policies which that party had declared, he has also shown himself ready for every emergency, and has met new and vital questions with ability and with success.

The confidence of the people in his justice, inspired by his public career, enabled him to render personally an inestimable service to the country by bringing about a

settlement of the coal strike, which threatened such disastrous results at the opening of winter in 1902.

The Roosevelt Administration. — Our foreign policy under his administration has not only been able, vigorous, and dignified, but in the highest degree successful. The complicated questions which arose in Venezuela were settled in such a way by President Roosevelt that the Monroe Doctrine was signally vindicated, and the cause of peace and arbitration greatly advanced.

His prompt and vigorous action in Panama, which we commend in the highest terms, not only secured to us the canal route, but avoided foreign complications which might have been of a very serious character.

He has continued the policy of President McKinley in the Orient, and our position in China, signalized by our recent commercial treaty with that empire, has never been so high.

He secured the tribunal by which the vexed and perilous question of the Alaskan boundary was finally settled.

Whenever crimes against humanity have been perpetrated which have shocked our people, his protest has been made and our good offices have been tendered, but always with due regard to international obligations.

Under his guidance we find ourselves at peace with all the world, and never were we more respected or our wishes more regarded by foreign nations.

Preëminently successful in regard to our foreign relations, he has been equally fortunate in dealing with domestic questions. The country has known that the public credit and the national currency were absolutely safe in the hands

of his administration. In the enforcement of the laws he has shown not only courage, but the wisdom which understands that to permit laws to be violated or disregarded opens the door to anarchy, while the just enforcement of the law is the soundest conservatism. He has held firmly to the fundamental American doctrine that all men must obey the law; that there must be no distinction between rich and poor, between strong and weak; but that justice and equal protection under the law must be secured to every citizen without regard to race, creed, or condition.

His administration has been throughout vigorous and honorable, high minded and patriotic. We commend it without reservation to the considerate judgment of the American people.

The Democratic Platform

Fundamental Principles. —The Democratic party of the United States, in national convention assembled, declares its devotion to the essential principles of the Democratic faith which brings us together in party communion.

Under them, local self-government and national unity and prosperity were alike established. They underlaid our independence, the structure of our free Republic, and every Democratic extension from Louisiana to California and Texas to Oregon, which preserved faithfully in all the States the tie between taxation and representation. They yet inspire the masses of our people, guarding jealously their rights and liberties and cherishing their fraternity, peace, and orderly development.

They remind us of our duties and responsibilities as citizens and impress upon us, particularly at this time, the necessity of reform and the rescue of the administration of government from the headstrong, arbitrary, and spasmodic methods, which distract business by uncertainty, and pervade the public mind with dread, distrust, and perturbation.

The application of these fundamental principles to the living issues of the day is the first step toward the assured peace, safety, and progress of our nation. Freedom of the press, of conscience, and of speech; equality before the law of all citizens; the right to trial by jury; freedom of the person defended by the writ of habeas corpus; liberty of personal contract untrammelled by sumptuary laws; supremacy of the civil over military authority; a well-disciplined militia; the separation of Church and State; economies in expenditures; low taxes, that labor may be lightly burdened; prompt and sacred fulfilment of public and private obligations; fidelity to treaties; peace and friendship with all nations, entangling alliances with none; absolute acquiescence in the will of the majority, the vital principle of republics — these are doctrines which Democracy has established as proverbs of the nation, and they should be constantly invoked and enforced.

Capital and Labor. — We favor the enactment and administration of laws giving labor and capital impartially their just rights. Capital and labor ought not to be enemies. Each is necessary to the other. Each has its rights, but the rights of labor are certainly no less "vested," no less "sacred," and no less "inalienable" than the rights of capital.

Constitutional Guarantees. — Constitutional guarantees are violated whenever any citizen is denied the right to labor, acquire and enjoy property, or reside where interest or inclination may determine. Any denial thereof by individuals, organizations, or governments should be summarily rebuked and punished.

We deny the right of any executive to disregard or suspend any Constitutional privilege or limitation. Obedience to the laws and respect for their requirements are alike the supreme duty of the citizen and the official.

The military should be used only to support and maintain the law. We unqualifiedly condemn its employment for the summary banishment of citizens without trial or for the control of elections. We approve the measure which passed the United States Senate in 1896, but which a Republican Congress has ever since refused to enact, relating to contempts in Federal Courts and providing for trial by jury in cases of indirect contempt.

Waterways. — We favor liberal appropriations for the care and improvement of the waterways of the country. When any waterway like the Mississippi River is of sufficient importance to demand special aid of the government, such aid should be extended with a definite plan of continuous work until permanent improvement is secured.

We oppose the Republican policy of starving home development in order to feed the greed for conquest and the appetite for national "prestige" and display of strength.

Economy of Administration. — Large reductions can easily be made in the annual expenditures of the government without impairing the efficiency of any branch of the

public service, and we shall insist upon the strictest economy and frugality compatible with vigorous and efficient civil, military, and naval administration as a right of the people too clear to be denied or withheld.

We favor the enforcement of honesty in the public service, and to that end a thorough legislative investigation of those executive departments of the government already known to teem with corruption as well as other departments suspected of harboring corruption, and the punishment of ascertained corruptionists without fear or favor or regard to persons. The persistent and deliberate refusal of both Senate and House of Representatives to permit such investigation to be made demonstrates that only by a change in the executive and in the legislative departments can complete exposure, punishment, and correction be obtained.

Federal Government and Trusts. — We condemn the action of the Republican party in Congress in refusing to prohibit an executive department from entering into contracts with convicted trusts or unlawful combinations in restraint of interstate trade. We believe that one of the best methods of procuring economy and honesty in the public service is to have public officials, from the occupant of the White House down to the lowest of them, return as nearly as may be to Jeffersonian simplicity of living.

Executive Usurpation. — We favor the nomination and election of a President imbued with the principles of the Constitution, who will set his face sternly against executive usurpation of legislative and judicial functions, whether that usurpation be veiled under the guise of executive con-

struction of existing laws or whether it take refuge in the tyrant's plea of necessity or superior wisdom.

Imperialism. — We favor the preservation, so far as we can, of the open door for the world's commerce in the Orient, without an unnecessary entanglement in Oriental and European affairs and without arbitrary, unlimited, irresponsible, and absolute government anywhere within our jurisdiction.

We oppose, as fervently as did George Washington himself, an indefinite, irresponsible, discretionary, and vague absolutism and a policy of colonial exploitation, no matter where or by whom invoked or exercised. We believe with Thomas Jefferson and John Adams that no government has a right to make one set of laws for those "at home" and another and a different set of laws, absolute in their character, for those "in the colonies." All men under the American flag are entitled to the protection of the institutions whose emblem the flag is. If they are inherently unfit for these institutions, then they are inherently unfit to be members of the American body politic.

Wherever there may exist a people incapable of being governed under American laws, in consonance with the American Constitution, the territory of that people ought not to be part of the American domain. We insist that we ought to do for the Filipinos what we have already done for the Cubans, and it is our duty to make that promise now, and upon suitable guarantees of protection to citizens of our own and other countries resident there at the time of our withdrawal, set the Filipino people upon their feet, free and independent to work out their own destiny.

The endeavor of the Secretary of War by pledging the government's indorsement for "promoters" in the Philippine Islands to make the United States a partner in speculative legislation of the archipelago, which was only temporarily held up by the opposition of the Democratic Senators in the last session, will, if successful, lead to entanglements from which it will be difficult to escape.

The Tariff. — The Democratic party has been and will continue to be the consistent opponent of that class of tariff legislation by which certain interests have been permitted through Congressional favor to draw heavy tribute from the American people. This monstrous perversion of those equal opportunities which our political institutions were established to secure has caused what may once have been infant industries to become the greatest combinations of capital that the world has ever known. These especial favorites of the government have, through trust methods, been converted into monopolies, thus bringing to an end domestic competition which was the only alleged check upon the extravagant profits made possible by the protective system. These industrial combinations, by the financial assistance they can give, now control the policy of the Republican party. We denounce protection as a robbery of the many to enrich the few, and we favor a tariff limited to the needs of the government, economically administered and so levied as not to discriminate against any industry, class, or section, to the end that the burdens of taxation shall be distributed as equally as possible.

We favor a revision and a gradual reduction of the tariff by the friends of the masses and for the commonweal, and

not by the friends of its abuses, its extortions, and its discriminations, keeping in view the ultimate ends of "equality of burdens and equality of opportunities" and the Constitutional purpose of raising a revenue by taxation — to wit, the support of the Federal government in all its integrity and virility, but in simplicity.

Trusts and Combinations. — We recognize that the gigantic trusts and combinations designed to enable capital to secure more than its just share of the joint products of capital and labor, and which have been fostered and promoted under Republican rule, are a menace to beneficial competition and an obstacle to permanent business prosperity. A private monopoly is indefensible and intolerable. Individual equality of opportunity and free competition are essential to a healthy and permanent commercial prosperity, and any trust, combination, or monopoly tending to destroy these, by controlling production, restricting competition, or fixing prices, should be prohibited and punished by law. We especially denounce rebates and discrimination by transportation companies.

As the most potent agency in promoting and strengthening these unlawful conspiracies against trade, we demand an enlargement of the powers of the Interstate Commission to the end that the travelling public and shippers of this country may have prompt and adequate relief for the abuses to which they are subjected in the matter of transportation. We demand a strict enforcement of existing civil and criminal statutes against all such trusts, combinations, and monopolies, and we demand the enactment of such further legislation as may be necessary to effectually suppress them.

Any trust or unlawful combination engaged in interstate commerce which is monopolizing any branch of business or production should not be permitted to transact business outside of the State of its origin. Whenever it shall be established in any court of competent jurisdiction that such monopolization exists, such prohibition should be enforced through comprehensive laws to be enacted on the subject.

Reclamation of Arid Lands. — We congratulate our Western citizens upon the passage of the Newlands Irrigation Act for the irrigation and reclamation of the arid lands at the West, a measure framed by a Democrat, passed in the Senate by a non-partisan vote and passed in the House against the opposition of almost all the Republican leaders by a vote the majority of which was Democratic.

We call attention to this great Democratic measure, broad and comprehensive as it is, working automatically throughout all time, without further action of Congress, until the reclamation of all the land in the arid West capable of reclamation is accomplished, reserving the lands reclaimed for homeseekers in small tracts, and rigidly guarding against land monopoly, as an evidence of the policy of domestic development contemplated by the Democratic party, should it be placed in power.

Isthmian Canal. — The Democracy when intrusted with power will construct the Panama Canal speedily, honestly, and economically, thereby giving to our people what Democrats have always contended for — a great interoceanic canal, furnishing shorter and cheaper lines of transportation and broader and less trammelled trade relations with the other peoples of the world.

American Citizenship. — We pledge ourselves to insist upon the just and lawful protection of our citizens at home and abroad and to use all proper measures to secure for them, whether native born or naturalized and without distinction of race or creed, the equal protection of laws and the enjoyment of all rights and privileges open to them under the covenants of our treaties of friendship and commerce, and if under existing treaties the right of travel and sojourn is denied the American citizen, or recognition is withheld from American passports by any countries on the ground of race or creed, we favor the beginning of negotiations with the governments of such countries to secure by treaties the removal of these unjust discriminations.

We demand that all over the world a duly authenticated passport issued by the government of the United States to an American citizen shall be proof of the fact that he is an American citizen and shall entitle him to the treatment due him as such.

Election of Senators. — We favor the election of United States Senators by the direct vote of the people.

Statehood for Territories. — We favor the admission of the Territories of Oklahoma and the Indian Territory. We also favor the immediate admission of Arizona and New Mexico as separate States, and a Territorial government for Alaska and Porto Rico. We hold that the officials appointed to administer the government of any Territory as well as the district of Alaska should be *bona fide* residents at the time of their appointment for the Territory or district in which their duties are to be performed.

Polygamy. — We demand the extermination of polygamy within the jurisdiction of the United States and the complete separation of Church and State in political affairs.

Merchant Marine. — We denounce the ship subsidy bill recently passed by the United States Senate as an iniquitous appropriation of public funds for private purposes and a wasteful, illogical, and useless attempt to overcome by subsidy the obstructions raised by Republican legislation to the growth and development of American commerce on the sea. We favor the upbuilding of a merchant marine without new or additional burdens upon the people and without bounties from the public treasury.

Reciprocity. — We favor liberal trade arrangements with Canada and with peoples of other countries where they can be entered into with benefit to American agriculture, manufactures, mining, or commerce.

Monroe Doctrine. — We favor the maintenance of the Monroe Doctrine in its full integrity.

Army, Pensions. — We favor the reduction of the army and of army expenditure to a point historically demonstrated to be safe and sufficient.

The Democracy would secure to the surviving soldiers and sailors and their dependants generous pensions, not by an arbitrary executive order, but by legislation which a grateful people stand ready to enact.

Our soldiers and sailors who defend with their lives the Constitution and the laws have a sacred interest in their just administration. They must therefore share with us the humiliation with which we have witnessed the exaltation of court favorites, without distinguished service, over

the scarred heroes of many battles, or their aggrandizement by executive appropriation out of the treasuries of a prostrate people in violation of the act of Congress which fixed the compensation of allowances of the military officers.

Civil Service. —The Democratic party stands committed to the principles of Civil Service Reform and we demand their honest, just, and impartial enforcement. We denounce the Republican party for its continued and sinister encroachments upon the spirit and operation of Civil Service rules, whereby it has arbitrarily dispensed with examinations for office in the interests of favorites and employed all manner of devices to overreach and set aside the principles upon which Civil Service was established.

Race Question. —The race question has brought countless woes to this country. The calm wisdom of the American people should see to it that it brings no more.

To revive the dead and hateful race and sectional animosities in any part of our common country means confusion, distraction of business, and the reopening of wounds now happily healed.

North and South, East and West have but recently stood together in line of battle from the walls of Peking to the hills of Santiago, and as sharers of a common glory and a common destiny we should share fraternally the common burdens.

We therefore deprecate and condemn the Bourbonlike, selfish, and narrow spirit of the recent Republican Convention at Chicago, which sought to kindle anew the embers of racial and sectional strife, and we appeal from it to the sober common sense and spirit of the American people.

The Republican Administration. — The existing Republican Administration has been spasmodic, erratic, sensational, spectacular, and arbitrary. It has made itself a satire upon the Congress, the courts, and upon the settled practices and usages of national and international law.

It summoned the Congress into hasty and futile extra session and virtually adjourned it, leaving behind its flight from Washington uncalled calendars and unaccomplished tasks.

It made war, which is the sole power of Congress, without its authority, thereby usurping one of its fundamental prerogatives.

It violated a plain statute of the United States, as well as plain treaty obligations, international usages, and Constitutional law, and has done so under pretence of executing a great public policy which could have been more easily effected lawfully, constitutionally, and with honor.

It forced strained and unnatural constructions upon statutes, usurping judicial interpretations and substituting decree for Congressional enactment.

It withdrew from Congress their customary duties of investigation which have heretofore made the representatives of the people and the States the terror of evil-doers.

It conducted a secretive investigation of its own and boasted of a few sample convictions, while it threw a broad coverlet over the bureaus which had been their chosen field of operative abuses and kept in power the superior officers under whose administration the crimes had been committed.

It ordered assaults upon some monopolies, but, paralyzed by its first victory, it flung out the flag of truce and cried out that it would not "run amuck," leaving its future purposes beclouded by its vacillations.

Conducting the campaign upon this declaration of our principles and purposes, we invoke for our candidates the support not only of our great and time-honored organization, but also the active assistance of all of our fellow-citizens, who, disregarding past differences, desire the perpetuation of our Constitutional government as framed and established by the fathers of the Republic.

The Prohibition Platform

The Paramount Issue. — The widely prevailing system of the licensed and legalized sale of alcoholic beverages is so ruinous to individual interests, so inimical to public welfare, so destructive to national wealth, and so subversive to the rights of great masses of our citizenship, that the destruction of the traffic is and for years has been the most important question in American politics.

We denounce the lack of statesmanship exhibited by the leaders of the Democratic and Republican parties in their refusal to recognize the paramount importance of this question and the cowardice with which the leaders of these parties have courted the favor of those whose selfish interests are advanced by the continuation and augmentation of the traffic, until to-day the influence of the liquor traffic practically dominates national, State, and local government throughout the Nation.

We declare the truth, demonstrated by the experience of half a century, that all methods of dealing with the liquor traffic which recognize its right to exist, in any form, under any system of license, or tax, or regulation, have proved powerless to remove its evils and as useless as checks on its growth, while the insignificant public revenues which have accrued therefrom have seared the public conscience against a recognition of its iniquity.

We call public attention to the fact, proved by the experience of more than fifty years, that to secure the enactment and enforcement of prohibitory legislation, in which alone lies hope of the protection of the people from the liquor traffic, it is necessary that the legislative, executive, and judicial branches of the government should be in the hands of a political party in harmony with the prohibition principle and pledged to its embodiment in laws and to the execution of those laws.

We pledge the Prohibition party, wherever given power by the suffrage of the people, to the enactment and enforcement of laws prohibiting and abolishing the manufacture, importation, transportation, and sale of alcoholic beverages.

We declare that there is not only no other issue of equal importance before the American people to-day, but that the so-called issues on which the Democratic and Republican parties seek to divide the electorate of the country are in large part subterfuges under the cover of which they wrangle for the spoils of office.

Other Declarations of Policy. — Recognizing that the intelligent voters of the country may properly ask our atti-

tude on other questions of public concern, we declare ourselves in favor of: —

The impartial enforcement of all law.

The safeguarding of the people's rights by a rigid application of the principles of justice to all combinations and organizations of capital and labor.

A more intimate relation between the people and government by a wise adaptation of the principle of the initiative and referendum.

The safeguarding to every citizen in every place under the government of the people of the United States of all the rights guaranteed by the laws and the Constitution.

International arbitration; and we declare that our Nation should contribute in every manner, consistent with national dignity, to the permanent establishment of peace between all nations.

The reform of our divorce laws, the final extirpation of polygamy, and the total overthrow of the present shameful system of illegal sanction of the social evil (with its unspeakable traffic in girls) by the municipal authorities of almost all our cities.

We declare ourselves in favor of recognition of the fact that the right of suffrage should depend on the mental and moral qualification of the citizens.

We declare ourselves in favor of such changes in our laws as will place tariff schedules in the hands of an omnipartisan commission.

We declare ourselves in favor of the application of uniform laws for all our country and dependencies.

We declare ourselves in favor of the extension and honest administration of the Civil Service laws.

We declare ourselves in favor of the election of United States Senators by vote of the people.

The Socialist-Labor Platform

The Socialist-Labor party of America, in convention assembled, reasserts the inalienable right of man to life, liberty, and the pursuit of happiness.

We hold that the purpose of government is to secure to every citizen the enjoyment of this right; but taught by experience we hold furthermore that such right is illusory to the majority of the people, to wit, the working class, under the present system of economic inequality that is essentially destructive of their life, their liberty, and their happiness.

We hold that the true theory of politics is that the machinery of government must be controlled by the whole people; but again taught by experience we hold furthermore that the true theory of economics is that the means of production must likewise be owned, operated, and controlled by the people in common. Man cannot exercise his right of life, liberty, and the pursuit of happiness without the ownership of the land and the tools with which to work. Deprived of these, his life, his liberty, and his fate fall into the hands of the class that owns those essentials for work and production.

We hold that the existing contradiction between the theory of democratic government and the fact of a despotic economic system — the private ownership of the natural and

social opportunities — divides the people into two classes: the Capitalist Class and the Working Class; throws society into the convulsions of the class struggle; and perverts government to the exclusive benefit of the capitalist class.

Thus labor is robbed of the wealth which it alone produces, is denied the means of self-employment, and, by compulsory idleness in wage slavery, is even deprived of the necessaries of life.

Against such a system the Socialist-Labor party raises the banner of revolt, and demands the unconditional surrender of the capitalist class.

The time is fast coming when, in the natural course of social evolution, this system through the destructive action of its failures and crises, on the one hand, and the constructive tendencies of its trusts and other capitalist combinations, on the other hand, will have worked out its own downfall.

We, therefore, call upon the wage-workers of America to organize under the banner of the Socialist-Labor party into a class-conscious body, aware of its rights and determined to conquer them.

And we also call upon all other intelligent citizens to place themselves squarely upon the ground of working-class interests, and join us in this mighty and noble work of human emancipation, so that we may put summary end to the existing barbarous class conflict by placing the land and all the means of production, transportation, and distribution into the hands of the people as a collective body, and substituting the Coöperative Commonwealth for the present state of planless production, industrial war, and

social disorder — a commonwealth in which every worker shall have the free exercise and full benefit of his faculties, multiplied by all the modern factors of civilization.

The Socialist Platform

Party Fundamentals. — We, the Socialist party, in convention assembled, make our appeal to the American people as the defender and preserver of the idea of liberty and self-government, in which the nation was born; as the only political movement standing for the programme and principles by which the liberty of the individual may become a fact; as the only political organization that is Democratic, and that has for its purpose the democratizing of the whole of society.

To this idea of liberty the Republican and Democratic parties are equally false. They alike struggle for power to maintain and profit by an industrial system which can be preserved only by the complete overthrow of such liberties as we already have, and by the still further enslavement and degradation of labor.

Our American institutions came into the world in the name of freedom. They have been seized upon by the capitalist class as the means of rooting out the idea of freedom from among the people. Our State and national legislatures have become the mere agencies of great propertied interests. These interests control the appointments and decisions of the judges of our courts. They have come into what is practically a private ownership of all the functions and forces of government. They are using these

to betray and conquer foreign and weaker peoples, in order to establish new markets for the surplus goods which the people make, but are too poor to buy. They are gradually so invading and restricting the right of suffrage as to take unawares the right of the worker to a vote or voice in public affairs. By enacting new and misinterpreting old laws, they are preparing to attack the liberty of the individual even to speak or think for himself or for the common good.

By controlling all the sources of social revenue, the possessing class is able to silence what might be the voice of protest against the passing of liberty and the coming of tyranny. It completely controls the university and public school, the pulpit and the press, and the arts and literatures. By making these economically dependent upon itself, it has brought all the forms of public teaching into servile submission to its own interests.

Our political institutions are also being used as the destroyers of that individual property upon which all liberty and opportunity depend. The promise of economic independence to each man was one of the faiths upon which our institutions were founded. But under the guise of defending private property, capitalism is using our political institutions to make it impossible for the vast majority of human beings to ever become possessors of private property in the means of life.

Capitalism and Socialism. — Capitalism is the enemy and destroyer of essential private property. Its development is through the legalized confiscation of all that the labor of the working class produces above its subsistence-wage. The private ownership of the means of employment

grounds society in an economic slavery which renders intellectual and political tyranny inevitable.

Socialism comes so to organize industry and society that every individual shall be secure in that private property in the means of life upon which his liberty of being, thought, and action depend. It comes to rescue the people from the fast-increasing and successful assault of capitalism upon the liberty of the individual.

As an American Socialist party, we pledge our fidelity to the principles of international socialism, as embodied in the united thought and action of the Socialists of all nations. In the industrial development already accomplished the interests of the world's workers are separated by no national boundaries. The condition of the most exploited and oppressed workers, in the most remote places of the earth, inevitably tends to drag down all the workers of the world to the same level. The tendency of the competitive wage-system is to make labor's lowest condition the measure or rule of its universal condition. Industry and finance are no longer national but international, in both organization and results. The chief significance of national boundaries and of the so-called patriotisms which the ruling class of each nation is seeking to revive is the power which these give to capitalism to keep the workers of the world from uniting and to throw them against each other in the struggles of contending capitalist interests for the control of the yet unexploited markets of the world, or the remaining sources of profit.

A World Movement. — The Socialist movement therefore is a world movement. It knows of no conflicts of

interest between the workers of one nation and the workers of another. It stands for the freedom of the workers of all nations; and, in so standing, it makes for the full freedom of all humanity.

The Socialist movement owes its birth and growth to that economic development or world process which is rapidly separating a working or producing class from a possessing or capitalist class. The class that produces nothing possesses labor's fruits, and the opportunities and enjoyments these fruits afford, while the class that does the world's real work has increasing economic uncertainty and physical and intellectual misery for its portion.

The fact that these two classes have not yet become fully conscious of their distinction from each other, the fact that the lines of division and interest may not yet be clearly drawn, does not change the fact of the class conflict.

This class struggle is due to the private ownership of the means of employment, or the tools of production. Wherever and whenever man owned his own land and tools, and by them produced only the things which he used, economic independence was possible. But production, or the making of goods, has long ceased to be individual. The labor of scores, or even thousands, enters into almost every article produced. Production is now social or collective. Practically everything is made or done by many men — sometimes separated by seas or continents — working together for the same end. But this coöperation in production is not for the direct use of the things made by the workers who make them, but for the profit of the

owners of the tools and means of production; and to this is due the present division of society into two distinct classes; and from it have sprung all the miseries, inharmonies, and contradictions of our civilization.

Between these two classes there can be no possible compromise or identity of interests, any more than there can be peace in the midst of war, or light in the midst of darkness. A society based upon this class division carries in itself the seeds of its own destruction. Such a society is founded in fundamental injustice. There can be no possible basis for social peace, for individual freedom, for mental and moral harmony, except in the conscious and complete triumph of the working class as the only class that has the right or power to be.

Trusts and Socialism. — The Socialist programme is not a theory imposed upon society for its acceptance or rejection. It is but the interpretation of what is, sooner or later, inevitable. Capitalism is already struggling to its destruction. It is no longer competent to organize or administer the work of the world, or even to preserve itself. The captains of industry are appalled at their own inability to control or direct the rapidly socializing forces of industry. The so-called trust is but a sign and form of the developing socialization of the world's work. The universal increase of the uncertainty of employment, the universal capitalist determination to break down the unity of labor in the trades unions, the widespread apprehensions of impending change, reveal that the institutions of capitalist society are passing under the power of inhering forces that will soon destroy them.

Into the midst of the strain and crisis of civilization the Socialist movement comes as the only saving or conservative force. If the world is to be saved from chaos, from universal disorder and misery, it must be by the union of the workers of all nations in the Socialist movement. The Socialist party comes with the only proposition or programme for intelligently and deliberately organizing the Nation for the common good of all its citizens. It is the first time that the mind of man has ever been directed toward the conscious organization of society.

Socialism means that all those things upon which the people in common depend shall by the people in common be owned and administered. It means that the tools of employment shall belong to their creators and users; that all production shall be for the direct use of the producers; that the making of goods for profit shall come to an end; that we shall all be workers together, and that opportunities shall be open and equal to all men.

Party Pledges. — To the end that the workers may seize every possible advantage that may strengthen them to gain complete control of the powers of government, and thereby the sooner establish the coöperative commonwealth, the Socialist party pledges itself to watch and work in both the economic and the political struggle for each successive immediate interest of the working class; for shortened days of labor and increases of wages; for the insurance of the workers against accident, sickness, and lack of employment; for pensions for aged and exhausted workers; for the public ownership of the means of transportation, communication, and exchange; for the

graduated taxation of incomes, inheritances, and of franchise and land values, the proceeds to be applied to public employment and bettering the conditions of the workers' children, and their freedom from the workshop; for the equal suffrage of men and women; for the prevention of the use of the military against labor in the settlement of strikes; for the free administration of justice; for popular government, including initiative, referendum, proportional representation, and the recall of officers by their constitutents; and for every gain or advantage for the workers that may be wrested from the capitalist system, and that may relieve the suffering and strengthen the hands of labor. We lay upon every man elected to any executive or legislative office the first duty of striving to procure whatever is for the workers' most immediate interest, and for whatever will lessen the economic and political powers of the capitalist and increase the like powers of the worker.

But, in so doing, we are using these remedial measures as means to the one great end of the Coöperative Commonwealth. Such measures of relief as we may be able to force from capitalism are but a preparation of the workers to seize the whole powers of government, in order that they may thereby lay hold of the whole system of industry, and thus come into their rightful inheritance.

To this end we pledge ourselves, as the party of the working class, to use all political power, as fast as it shall be intrusted to us by our fellow-workers, both for their immediate interests and for their ultimate and complete emancipation. To this end we appeal to all the workers of America, and to all who will lend their lives to the service

of the workers in their struggle to gain their own, and to all who will nobly and disinterestedly give their days and energies unto the workers' cause, to cast their lot and faith with the Socialist party. Our appeal for the trust and suffrages of our fellow-workers is at once an appeal for their common good and freedom, and for the freedom and blossoming of our common humanity. In pledging ourselves, and those we represent, to be faithful to the appeal which we make, we believe that we are but preparing the soil of the economic freedom from which will spring the freedom of the whole man.

The People's Party Platform

Reaffirmation of Principles.—The People's party reaffirms its adherence to the basic truths of the Omaha platform of 1892, and of the subsequent platforms of 1896 and 1900. In session in its fourth national convention on July 4, 1904, in the city of Springfield, Ill., it draws inspiration from the day that saw the birth of the nation as well as its own birth as a party, and also from the soul of him who lived at its present place of meeting. We renew our allegiance to the old-fashioned American spirit that gave this Nation existence and made it distinctive among the peoples of the earth. We again sound the keynote of the Declaration of Independence that all men are created equal in a political sense, which was the sense in which that instrument, being a political document, intended that the utterance should be understood. We assert that the departure from this fundamental truth is responsible for the ills from which we suffer as a Nation, that the giving of special privileges

to the few has enabled them to dominate the many, thereby tending to destroy the political equality which is the corner-stone of democratic government.

Militarism. — We call for a return to the truths of the fathers, and we vigorously protest against the spirit of Mammonism and of thinly veiled monarchy that is invading certain sections of our national life, and of the very administration itself. This is a Nation of peace, and we deplore the appeal to the spirit of force and militarism which is shown in ill-advised and vainglorious boasting and in more harmful ways in the denial of the rights of man under martial law.

Transportation Monopoly. — A political democracy and an industrial despotism cannot exist side by side; and nowhere is this truth more plainly shown than in the gigantic transportation monopolies which have bred all sorts of kindred trusts, subverted the governments of many of the States, and established their official agents in the national government. We submit that it is better for the government to own the railroads than for the railroads to own the government, and that one or the other alternative seems inevitable.

We call the attention of our fellow-citizens to the fact that the surrender of both of the old parties to corporative influences leaves the People's party the only party of reform in the Nation.

Therefore we submit the following platform of principles to the American people:—

Money and Banks. — The issuing of money is a function of government, and should never be delegated to corpora-

tions or individuals. The Constitution gives to Congress alone power to issue money and regulate its value.

We therefore demand that all money shall be issued by the government in such quantity as shall maintain a stability in prices, every dollar to be full legal tender, none of which shall be a debt redeemable in other money.

We demand that postal savings banks be established by the government for the safe deposit of the savings of the people.

Labor Questions. — We believe in the right of labor to organize for the benefit and protection of those who toil, and pledge the efforts of the People's party to preserve this right inviolate. Capital is organized and has no right to deny to labor the privilege which it claims for itself. We feel that intelligent organization of labor is essential; that it raises the standard of workmanship, promotes the efficiency, intelligence, independence, and character of the wage-earner. We believe with Abraham Lincoln that labor is prior to capital, and is not its slave, but its companion, and we plead for that broad spirit of toleration and justice which will promote industrial peace through the observance of the principles of voluntary arbitration.

We favor the enactment of legislation looking to the improvement of conditions for wage-earners, the abolition of child labor, the suppression of sweat shops and of convict labor in competition with free labor, and the exclusion from American shores of foreign pauper labor.

We favor the shorter workday, and declare that if eight hours constitutes a day's labor in government service, eight

hours should constitute a day's labor in factories, workshops, and mines.

Initiative and Referendum. — As a means of placing all public questions directly under the control of the people, we demand that legal provision be made under which the people may exercise the initiative, referendum, and proportional representation and direct vote for all public officers with the right of recall.

Land, including all the natural sources of wealth, is a heritage of all the people, and should not be monopolized for speculative purposes, and alien ownership of land should be prohibited.

We demand a return to the original interpretation of the Constitution and a fair and impartial enforcement of laws under it, and denounce government by injunction and imprisonment without the right of trial by jury.

Government Ownership. —To prevent unjust discrimination and monopoly the government should own and control the railroads and those public utilities which in their nature are monopolies. To perfect the postal service, the government should own and operate the general telegraph and telephone systems and provide a parcels post.

As to those trusts and monopolies which are not public utilities or natural monopolies we demand that those special privileges which they now enjoy, and which alone enable them to exist, should be immediately withdrawn. Corporations, being the creatures of government, should be subjected to such governmental regulations and control as will adequately protect the public. We demand the taxation of monopoly privileges, while they remain in

private hands, to the extent of the value of the privileges granted.

We demand that Congress shall enact a general law uniformly regulating the power and duties of all incorporated companies doing interstate business.